

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

The State of Indiana _____ (“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 the Indiana Department of Environmental Management _____ (“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:

Contact:	Bruno Pigott, Indiana Department of Environmental Management
Address:	Indiana Government Center North, 100 North Senate
Phone:	317/232-8611
Fax:	317/233-5517
Email:	bpigott@idem.in.gov

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.

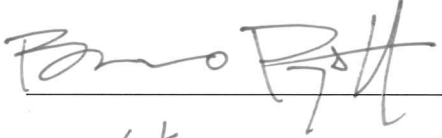
FOR THE GOVERNOR (or, if not a State, the analogous Chief Executive):

Signature: 
Name: Eric J. Holcomb
Title: Governor of Indiana
Date: 11/2/17
Location: Indianapolis, IN

[FOR OTHER REQUIRED SIGNATORIES]:

Signature: 
Name: Curtis T. Hill, Jr.
Title: Attorney General of Indiana
Date: 11/14/17
Location: Indianapolis, IN

[FOR OTHER REQUIRED SIGNATORIES]:

Signature: 
Name: Bruno Piggott
Title: Commissioner of Indiana Department of Environmental Management
Date: 11/14/07
Location: Indianapolis, IN



PUBLICLY AVAILABLE INFORMATION

As the Lead Agency for purposes of the State of Indiana's participation in the Trust, the Indiana Department of Environmental Management (IDEM) hereby certifies that it will maintain and make publically available all documentation and records submitted by it in support of each funding request and supporting all expenditures of Trust Funds until the Termination Date.

IDEM intends to make documents available on its website page dedicated to administration of the Trust, found at www.IN.gov/idem/vwtrust. As an alternative to viewing documents on the website, members of the public may request documents in paper or electronic form by submitting a public records request form to IDEM. The request form is available online at http://www.in.gov/idem/5157.htm#agency_idem, and is also attached to this certification. IDEM will withhold information that is determined to be confidential under 326 IAC 17.1, which is attached to this certification.

IDEM has published a Mitigation Plan Draft Framework at http://www.in.gov/idem/airquality/files/vw_settlement_mitigation_framework.pdf and has begun accepting formal comments regarding the Indiana Volkswagen Mitigation Trust Program, via email at VWTrust@idem.IN.gov. The Mitigation Plan Draft Framework is also attached to this certification. Over the next several months, IDEM intends to conduct public outreach at meetings throughout the state, where its Advisory Committee will be available to answer questions and accept formal comments on its Mitigation Plan.

Dated: 11/16/17



Bruno L. Pigott, Commissioner
Indiana Department of Environmental Management
Lead Agency for the State of Indiana



REQUEST FOR PUBLIC RECORD

State Form 55542 (R / 2-17)
 INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Date (month, day, year)		IDEM Program Area (Check all that apply, if known.) <input type="checkbox"/> Air <input type="checkbox"/> Land <input type="checkbox"/> Program services <input type="checkbox"/> Water	
Requester Name			
Requester Firm/Organization (if applicable)			
Requester Address (number and street)		City	State ZIP Code
Requester Telephone Number (e.g. business, home, cell)		Requester E-mail Address	
Please indicate the name and e-mail address <u>or</u> mailing address where the record(s) should be sent, if different from the requester above.			
Identify in detail the record(s)/document(s) that you are requesting: (Use additional pages if necessary.)			

<p>Mail/Fax/E-mail/Drop off your public record request to:</p> <p>IDEM Office of Records Management (ORM) Indiana Government Center North, Room 1207 100 North Senate Avenue, MC 60-01 Indianapolis, Indiana 46204</p>	<p>Telephone Number: (317) 232-8667 Fax Number: (317) 233-6647 E-mail Address: IDEMFILEROOM@idem.IN.gov</p>
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Please Note:

The ORM will not charge any requester for copying and printing the first 100 black and white 8.5" x 11" paper pages or less produced within one (1) calendar year per requester, for e-mailing electronic records or for retrieving records from the Virtual File Cabinet (VFC). IDEM maintains the VFC, which is a searchable online repository for the vast majority of the Agency's public records. It is a free service and can be accessed at <http://vfc.idem.in.gov/>.

Fees:

There is no fee for inspection and viewing of records within the VFC. Records obtained through the ORM could be subject to fees. Please see the back of this form for more information.

Requests for Disclosure of Public Records Guidelines:

General Rule: All records of a public agency are public records and must be disclosed upon request, unless the request falls under an exception provided by the Access to Public Records Act (APRA) of Indiana (codified in Indiana Code § 5-14-3). A public agency must state that a record falls under an identified APRA exception in order to withhold a specific record.

All Requests: The APRA requires that all requests for inspection or copying of public records must identify those records with "reasonable particularity." This means a request must include a description of a record with enough detail to allow agency staff to locate and produce the requested record.

Response by Agency: The APRA requires a public agency to respond to requests within a specified time.

Important Note: This response does not mean that the requested record must be produced at that time. First, the agency must, at a minimum, acknowledge receipt of a request. Second, the record(s), if disclosable, must be produced within a "reasonable time" after the request is received.

Request for E-mails: The requester must provide enough information to allow IDEM to search for, locate, and retrieve the records requested. The requester should list the sender(s) and recipient(s), keywords or subject matter, and limit the request to a reasonable timeframe. Listing a specific entity and/or IDEM branch as sender and/or recipient may be sufficient for IDEM to locate and retrieve the records. Please be advised that the general retention period for IDEM e-mails is three (3) years, unless otherwise required under another retention schedule or pursuant to statute. If your request for e-mails is not sufficiently specific, IDEM reserves the right to deny it or seek further clarification.

Records That Do Not Exist: Under the APRA, an agency is not required to create any record(s) in response to a public record request. An agency is only required to disclose existing records.

Fees: Public agencies may charge fees for copies. No fees may be charged for inspection.

The fee schedule for copying or printing records, including scanning records to produce an electronic version, is as follows:

- \$.10 per one-sided page for standard sized 8.5" x 11" paper records after the first 100 pages;
- \$5.00 per compact disc, digital video disc or diskette for copying of records onto an electronic storage medium; and
- \$.70 per one-sided black and white copy page for non-standard sized paper records (larger than 8.5" x 11").

Important Note: The fees set forth above are pursuant to Indiana Code § 5-14-3-8. The ORM requires payment for fees in advance. Acceptable forms of payment are: check, money order, Visa and MasterCard. The processing service charge fee for all credit card payments is \$1 plus 2%. You will be notified in advance if there is a fee to fulfill your public record request.

ORM Office Hours: ORM office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding State holidays.

ARTICLE 17.1. PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

Rule 1. Purpose and Applicability

326 IAC 17.1-1-1 Purpose

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 5-14-3; IC 13-14-11-5

Sec. 1. The purpose of this article is to provide the following:

- (1) The policy of the air pollution control board, to be followed by the department, in making public records available for public review and copying in accordance with IC 5-14-3 unless the information is determined to be confidential.
- (2) The provisions for protecting legitimate interests in the confidentiality of certain information.
- (3) The criteria to be used for determining the legitimacy of confidentiality claims in accordance with IC 5-14-3.
- (4) The procedures that the commissioner shall use in making determinations on the confidentiality of information.
- (5) The form of confidentiality agreements required by IC 13-14-11-5 from employees of the department and from persons under contract to the department.

(Air Pollution Control Division; 326 IAC 17.1-1-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1367; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA)

326 IAC 17.1-1-2 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 13-14-11

Sec. 2. This article applies to the following:

- (1) Information received on or after the effective date of this article from a person requesting confidential treatment of that information. The information may be either:
 - (A) treated as a single unit of information even if the information is comprised of a collection of individual items of information; or
 - (B) separated into two (2) or more categories to afford different treatment to the information in each category because the claim covers only a portion of the information.
- (2) Employees of the department and contractors who:
 - (A) make the confidentiality determination;
 - (B) handle the confidential information; or
 - (C) maintain the file of confidential information.
- (3) Public records, except for the following:
 - (A) In the event of a conflict between this article and 40 CFR 2.301* (Confidentiality of Business Information), both of which are applicable to the information or document, 40 CFR 2.301* shall govern over this article.
 - (B) In the event that two (2) or more sections contained in 40 CFR 2.301* apply to the information, the section that provides greater or wider access to the public of the information shall govern.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are also available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Division; 326 IAC 17.1-1-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3084; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA)*

Rule 2. Definitions

PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

326 IAC 17.1-2-1 Applicability

Authority: IC 13-14-8; IC 13-19-3-1
 Affected: IC 5-14-3; IC 13-14-11-5

Sec. 1. The definitions in this rule apply throughout this article. (*Air Pollution Control Division; 326 IAC 17.1-2-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-2-2 "Available to the public" defined

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3
 Affected: IC 5-14-3

Sec. 2. "Available to the public" means a public record, as defined by IC 5-14-3, but excluding public records described in 326 IAC 17.1-3-1(b), that the department shall furnish to any member of the public upon request, or may otherwise make public. (*Air Pollution Control Division; 326 IAC 17.1-2-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-2-3 "Claim of confidentiality" or "claim" defined

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3
 Affected: IC 5-14-3-4; IC 13-14-11

Sec. 3. "Claim of confidentiality" or "claim" means a claim or assertion that information be treated as confidential because the information is excepted from disclosure under IC 5-14-3-4(a) or IC 5-14-3-4(b). (*Air Pollution Control Division; 326 IAC 17.1-2-3; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-2-4 "Contractor" defined

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3
 Affected: IC 13-14-11

Sec. 4. "Contractor" means:

(1) any:

- (A) person;
- (B) association;
- (C) partnership;
- (D) corporation;
- (E) business;
- (F) educational institution;
- (G) governmental body; or
- (H) other entity;

performing work under contract as an authorized representative of the department; and

(2) includes a subcontractor of the contractor and employees or officers of the contractor and subcontractor, which have been authorized by the department through the contract to have access to confidential information.

(*Air Pollution Control Division; 326 IAC 17.1-2-4; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-2-5 "Department" defined

Authority: IC 13-14-8; IC 13-19-3-1
 Affected: IC 5-14-3; IC 13-11-2-51; IC 13-14-11

PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

Sec. 5. "Department" means the department of environmental management. (*Air Pollution Control Division; 326 IAC 17.1-2-5; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-2-6 "Information" defined

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 5-14-3; IC 13-14-11

Sec. 6. "Information" means any of the following, regardless of physical form or characteristics, without limitation:

- (1) Written or printed material.
- (2) Data processing card decks, printouts, and tapes.
- (3) Maps.
- (4) Charts.
- (5) Paintings.
- (6) Photographs.
- (7) Drawings.
- (8) Engravings.
- (9) Sketches.
- (10) Samples.
- (11) Working notes and papers.
- (12) Reproductions of such things by any means or process.
- (13) Sound, voice, or electronic recordings in any form, in the possession of the department by which knowledge has been preserved and may be retrieved.
- (14) Any other material.

(*Air Pollution Control Division; 326 IAC 17.1-2-6; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1368; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-2-7 "Person" defined

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-11-2-158; IC 13-14-11

Sec. 7. "Person" has the meaning set forth in IC 13-11-2-158(a). (*Air Pollution Control Division; 326 IAC 17.1-2-7; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-2-8 "Public record" defined

Authority: IC 13-14-8; IC 13-14-9; IC 13-19-3

Affected: IC 5-14-3-2

Sec. 8. "Public record" has the meaning set forth in IC 5-14-3-2. (*Air Pollution Control Division; 326 IAC 17.1-2-8; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-2-9 "Trade secret" defined

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11; IC 24-2-3-2

Sec. 9. "Trade secret" has the meaning set forth in IC 24-2-3-2. (*Air Pollution Control Division; 326 IAC 17.1-2-9; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul*

PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA)

Rule 3. Access to Public Records

326 IAC 17.1-3-1 Access to public records

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11

Sec. 1. (a) The provisions of IC 5-14-3 apply to all public records. All information received by the department is considered a public record.

(b) Public records are available to the public, except for any of the following public records:

(1) Received under or supporting a claim of confidentiality.

(2) Under review or appeal to determine if confidential under IC 5-14-3-4(a) or IC 5-14-3-4(b).

(3) The commissioner has determined to be confidential under IC 5-14-3-4(a) or IC 5-14-3-4(b).

(c) Public records that are available to the public may be copied by the department upon payment of a fee provided for in IC 5-14-3-8. The fee shall be paid to the cashier's office at the Indiana department of environmental management. (*Air Pollution Control Division; 326 IAC 17.1-3-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

Rule 4. Confidentiality Claims

326 IAC 17.1-4-1 Confidentiality claims

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11; IC 24-2-3-2

Sec. 1. (a) A person submitting information to the department for which confidential treatment is requested shall make a written claim of confidentiality under subsections (c) and (d) at the time of submittal of the information.

(b) A person may request confidential treatment of information at the time the information is acquired through the actions of the department, such as inspections. The written claim for confidential treatment may be broad, but must be sufficiently clear to allow for accurate identification of the information claimed to be confidential. The supporting information required under subsection (d) must be submitted to the commissioner within five (5) working days from the time the information claimed as confidentiality is acquired by the department.

(c) A person submitting a claim of confidentiality shall designate and segregate the information and the supporting information to which the claim applies in a manner that is sufficiently clear to allow the department to identify all confidential claim materials. One (1) of the following methods shall be used to indicate that the information and any of the supporting information under subsection (d) is claimed as confidential:

(1) Attaching a cover sheet instructing which information is to be treated as confidential.

(2) Marking each page or item of information as:

(A) confidential;

(B) confidential claim material;

(C) trade secrets; or

(D) confidential business information.

(d) The person submitting the claim shall provide supporting information to show that the information claimed as confidential is entitled to confidential treatment under IC 5-14-3 including the following:

(1) State that the information is a specific type of confidential information under IC 5-14-3-4(a) and IC 13-14-11-3(a)(1) or IC 5-14-3-4(b) and IC 13-14-11-3(a)(2). If the information is confidential under IC 5-14-3-4(a)(4), the person submitting the claim shall provide a narrative statement or documents supporting the claim that the information meets the necessary elements of a trade secret, as defined at IC 24-2-3-2.

(2) State whether the information has previously been determined to be confidential by the commissioner.

PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

- (3) Indicate the portion of the supporting information claimed as confidential as specified in subsection (c).
- (4) Specify the period of time for which confidentiality is requested if the period is to be other than seventy-five (75) years as provided in IC 5-14-3-4(e).
- (5) Whenever the claim is based on the commissioner's discretionary power to grant confidential status to information under IC 5-14-3-4(b) and IC 13-14-11-3(a)(2), state all of the following:
- (A) The statute, rule, permit, or other authority that requires the submission of such information.
 - (B) Facts demonstrating that the information may be treated as confidential under IC 5-14-3-4(b).

(e) The information and supporting information claimed as confidential shall be treated as confidential until the commissioner makes a determination under 326 IAC 17.1-5. (*Air Pollution Control Division; 326 IAC 17.1-4-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1369; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

Rule 5. Determinations on Claim of Confidentiality

326 IAC 17.1-5-1 Determinations

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11

Sec. 1. The commissioner shall make a determination on a claim of confidentiality submitted after the effective date of this article in accordance with this article. The determination shall be made in accordance with IC 5-14-3-4 and IC 13-14-11. (*Air Pollution Control Division; 326 IAC 17.1-5-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1370; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-5-2 Request for additional supporting information

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11

Sec. 2. (a) The commissioner may request additional supporting information regarding a claim of confidentiality. Any additional supporting information claimed as confidential shall be treated as confidential until the commissioner makes a determination as required by section 1 of this rule.

(b) If the commissioner intends to make a determination to deny a claim of confidentiality, the commissioner shall notify the person in writing by certified mail, with return receipt requested, stating the following:

(1) Additional supporting information shall be submitted in accordance with 326 IAC 17.1-4-1(c).

(2) The person has fifteen (15) days from the date of receipt of the notice to respond.

(3) A submission shall be completed in the time frames and by the methods specified by IC 4-21.5-3-1(f). The person shall notify the department by telephone or facsimile within the fifteen (15) day period under subdivision (2) that additional supporting information has been mailed or deposited with a private carrier.

(4) Failure to submit any additional supporting information within fifteen (15) days under subdivision (2), or within the time allowed under subsection (d) to provide additional information in support of the claim, will result in a determination based on the information and any supporting information already received.

(5) Any additional supporting information claimed as confidential shall be treated as confidential until the commissioner makes a determination as required by section 1 of this rule.

(c) The commissioner shall make a determination after receipt of the additional supporting information submitted under subsection (b). The commissioner shall notify the person under subsection (b) of the intent to deny a claim of confidentiality only once before making a determination under sections [*sic.*, *section*] 3 or 4 of this rule. If the person fails to submit additional supporting information in accordance with subsection (b), the commissioner will make a determination based on the information and any supporting information already received.

(d) The commissioner may approve an extension of time for submitting additional information if the person makes a request

PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

in writing within the fifteen (15) days allowed in subsection (b)(2) and (b)(3). The extension will not exceed fifteen (15) days. (*Air Pollution Control Division; 326 IAC 17.1-5-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1370; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-5-3 Approval determination

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11

Sec. 3. (a) If the commissioner determines that the information shall be held confidential for the full period requested by the person who made the claim under 326 IAC 17.1-4-1(d), the commissioner shall do all of the following:

(1) Notify the person in writing of the determination.

(2) Maintain the information as confidential for the period requested under 326 IAC 17.1-4-1(d), unless ordered by a court of competent jurisdiction to permit access to the information for inspection and copying.

(b) If the commissioner determines that the information is confidential but the period of confidential treatment shall be shorter than that requested by the person under 326 IAC 17.1-4-1(d), the commissioner shall notify the person in writing by certified mail, with return receipt requested stating the following:

(1) The basis for the determination.

(2) The period of time of confidentiality, after which the information will be available to the public.

(3) The right to appeal the commissioner's determination.

(4) The procedure for appealing the commissioner's determination, including the time period provided by IC 4-21.5.

(*Air Pollution Control Division; 326 IAC 17.1-5-3; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1370; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-5-4 Denial of claim

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11

Sec. 4. If the commissioner determines that the information is not confidential based on 326 IAC 17.1-4, the commissioner shall notify the person who submitted the claim of such determination. The notification shall be in writing, sent certified mail, with return receipt requested, and shall state the following:

(1) The basis for the determination.

(2) Notice that the person may appeal the commissioner's determination.

(3) The procedure for appealing the commissioner's determination, including the time period provided by IC 4-21.5.

(4) Notice that if the determination is timely appealed, the information shall be treated as confidential until the petition for review is denied or the commissioner is ordered not to treat the information as confidential.

(5) Notice that unless the person timely appeals the determination, the information shall be made available to the public.

(*Air Pollution Control Division; 326 IAC 17.1-5-4; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

326 IAC 17.1-5-5 Modification of determinations

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11

Sec. 5. (a) The commissioner's determination that information is confidential shall continue in effect for the period of time specified in the determination under section 3 of this rule unless the commissioner issues a revised determination stating that the determination under section 1 of this rule no longer accurately describes the information's confidentiality due to any of the

PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

following:

- (1) Change in applicable law.
- (2) Newly-discovered or changed facts.
- (3) A clearly erroneous previous determination.

(b) If the commissioner concludes that such a determination under section 1 of this rule is of questionable validity, the commissioner shall do the following:

- (1) Inform the person in writing by certified mail with return receipt requested.
- (2) Afford the person an opportunity to furnish additional information on pertinent issues on the matter in accordance with sections [*sic.*, *section*] 2(b)(1) through 2(b)(5) and section 2(d) of this rule.

(c) After consideration of any information timely submitted under subsection (b)(2), the commissioner may make either of the following determinations:

- (1) The information is not confidential.
- (2) The period of entitlement to treatment as confidential information shall end at an earlier date than that determined under section 1 of this rule.

(d) After the determination provided for by subsection (c) is made, the commissioner shall notify the person in writing by certified mail with return receipt requested stating one (1) of the following:

- (1) That the claim of confidentiality has been approved as provided for in section 3 of this rule.
- (2) That the claim of confidentiality has been denied as provided for in section 4 of this rule.

(Air Pollution Control Division; 326 IAC 17.1-5-5; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA)

Rule 6. Appeals

326 IAC 17.1-6-1 Administrative appeal

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 4-21.5-3; IC 5-14-3; IC 13-14-11

Sec. 1. An appeal of a determination shall be:

- (1) in accordance with IC 4-21.5-3 and rules of the office of environmental adjudication; and
- (2) made by filing a written petition for review with the office of environmental adjudication in accordance with IC 4-21.5-3.

A copy of the petition shall be served on the commissioner concurrent with such filing. *(Air Pollution Control Division; 326 IAC 17.1-6-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA)*

326 IAC 17.1-6-2 Judicial review

Authority: IC 13-19-3-1

Affected: IC 4-21.5-5; IC 5-14-3; IC 13-14-11

Sec. 2. Judicial review of a final order of the environmental law judge shall be in accordance with IC 4-21.5-5. *(Air Pollution Control Division; 326 IAC 17.1-6-2; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA)*

Rule 7. Authorized Disclosure of Confidential Information

326 IAC 17.1-7-1 Authorized disclosure of confidential information

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 5-14-3; IC 13-14-11

PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

Sec. 1. Confidential information may be disclosed by the department only in accordance with IC 13-14-11-6. (*Air Pollution Control Division; 326 IAC 17.1-7-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1371; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

Rule 8. Wrongful Disclosure Penalties

326 IAC 17.1-8-1 Wrongful disclosure penalties

Authority: IC 13-14-8; IC 13-19-3-1
Affected: IC 5-14-3; IC 13-14-11

Sec. 1. Penalties for wrongful disclosure of confidential information are contained in IC 5-14-3-10. (*Air Pollution Control Division; 326 IAC 17.1-8-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1372; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA*)

Rule 9. Confidentiality Agreements

326 IAC 17.1-9-1 Confidentiality agreements

Authority: IC 13-14-8; IC 13-14-11-5; IC 13-19-3-1
Affected: IC 5-14-3-10; IC 13-14-11-5

Sec. 1. (a) Persons employed, contracted, or subcontracted by the department, prior to accessing or being granted access to confidential information, must execute a confidentiality agreement enforceable by:

- (1) the state; and
 - (2) the submitter of the information.
- (b) The following is the confidentiality agreement form for state employees:

CONFIDENTIALITY AGREEMENT
FOR STATE EMPLOYEES

I understand that I will have access to certain confidential information submitted to the Indiana Department of Environmental Management pursuant to state or federal statute or rule. This access has been granted in accordance with my official duties as an employee of the state of Indiana.

I understand that confidential information may not be disclosed except as authorized by rules of the board as contained in 326 IAC 17.1. My obligation not to disclose such confidential information includes disclosure to any other employee, officer, or authorized representative of the state or of the United States unless such employee, officer, or authorized representative is concerned with carrying out or implementing IC 13 or when the information is relevant in any proceeding related to enforcement.

I understand that, under Indiana statute IC 5-14-3-10, I am liable for a possible fine of up to five thousand dollars (\$5,000) or imprisonment for up to one (1) year, or both, if I knowingly or intentionally disclose confidential information to any person not authorized to receive it.

I understand that I may be subject to disciplinary action for violation of this agreement with penalties up to and including dismissal.

I understand that this agreement is enforceable by the state of Indiana and by the person who submits confidential information.

I agree that I will treat any confidential information furnished to me as confidential as established by the department.

(Signature) _____
Name (Typed) _____

Date

(c) The following is the confidentiality agreement form for employees or officers of contractors:

CONFIDENTIALITY AGREEMENT
FOR CONTRACTED EMPLOYEE OR OFFICER

I understand that as an employee or officer of _____, a contractor performing work for the Indiana Department of Environmental Management, I will have access to certain confidential information. This access has been granted to me in order

PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS

that I can perform my work under the contract.

I understand that such confidential information may not be disclosed by me except as authorized by a state or federal statute or rule. My obligation not to disclose such confidential information includes disclosure to any employee of the Indiana Department of Environmental Management, any employee or officer of any contractor, or any subcontractor unless such employee or officer has executed a confidentiality agreement.

I understand that, under Indiana statute IC 5-14-3-10, I am liable for a possible fine of up to five thousand dollars (\$5,000) or imprisonment for up to one (1) year, or both, if I knowingly or intentionally disclose confidential information to any person not authorized to receive it. In addition, I understand that I may be subject to disciplinary action for violation of this agreement up to and including dismissal.

I understand that this agreement is enforceable by the state of Indiana and by the person who submits confidential information.

I agree that I will treat any confidential information furnished to me as confidential as established by the department.

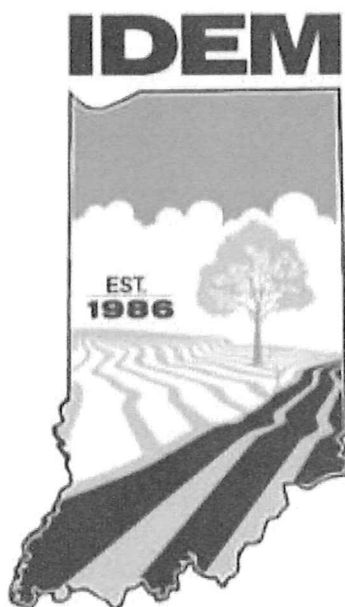
(Signature) _____

Name (Typed)

_____ Date

(Air Pollution Control Division; 326 IAC 17.1-9-1; filed Jan 26, 2000, 2:03 p.m.: 23 IR 1372; readopted filed Apr 10, 2006, 11:05 a.m.: 29 IR 2684, eff Jan 1, 2007; readopted filed Jul 29, 2013, 9:34 a.m.: 20130828-IR-326130173BFA)

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Request for Information

**VOLKSWAGEN CONSENT DECREE
ENVIRONMENTAL MITIGATION TRUST**

**BENEFICIARY MITIGATION PLAN
(DRAFT FRAMEWORK)**

Deadline for Submissions:
Summer 2018

Volkswagen Mitigation Trust Questions:

Mr. Shawn M. Seals
Indiana Department of Environmental Management
(317) 233-0425
SSeals@idem.IN.gov

Volkswagen Consent Decree Environmental Mitigation Trust

Beneficiary Mitigation Plan

Statement of Purpose

The State of Indiana (State), through the Indiana Department of Environmental Management (IDEM), issues this Request for Information (RFI) to solicit input on this Draft Framework of the State's Beneficiary Mitigation Plan (BMP), as referenced in the partial Consent Decree with the United States District Court for the Northern District of California in the lawsuit entitled *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, Case No: MDL No. 2672 CRB (JSC)*. Information received in response to this RFI will inform the State's Final BMP.

Background

The settlement establishes a Mitigation Trust to be used for environmental mitigation projects that reduce emissions and improve air quality. The funding for the Eligible Mitigation Actions is intended to fully mitigate the total, lifetime excess oxides of nitrogen (NOx) emissions from vehicles involved in the case. The trust provides \$40.9 million for Indiana; the funds are to be used during a 10 year period for specific, eligible projects designed to achieve these results.

The State must submit a BMP for approval in order to access the trust funds. The information collected through this RFI will be used to inform the Final BMP submitted for approval.

Eligible Projects

The eligible projects are specified in Appendix D-2 of the settlement. The broad categories of projects allowed are:

- Class 8 local freight trucks and port drayage trucks
- Class 4-8 school buses, shuttle buses or transit buses
- Class 4-7 local freight trucks
- Pre-Tier 4 diesel switcher locomotives
- Repower or upgrade of eligible diesel-powered ferries and tugs
- Shorepower equipment for oceangoing vessels and vessels operating within the Great Lakes
- Repower of eligible diesel-powered airport ground support equipment
- Repower of eligible forklifts and port cargo handling equipment
- Light duty zero emission vehicle supply equipment
- Matching funds for DieselWise Indiana's EPA state allocation funding under the Diesel Emission Reduction Act (DERA).

Request for Information

The State must address the following information in developing the BMP:

- The overall goal for the use of the funds.
- The categories of Eligible Mitigation Actions appropriate to achieve the stated goals and a preliminary assessment of the percentage of funds appropriate for each category of mitigation action.
- A description of how the State will measure the potential beneficial impact of Eligible Mitigation Actions on air quality in areas that bear a disproportionate share of the air pollution burden.
- A general description of the expected ranges of emission benefits that would be realized by implementation of the BMP.

The RFI is intended to provide the State with enough information to develop a high level vision for use of the mitigation funds. The Final BMP submittal will contain that vision and will be used to guide development of the process for identifying specific projects to be funded.

Submissions

Information responsive to this RFI should be sent to:

Indiana Volkswagen Mitigation Trust
VWTrust@idem.IN.gov

Program Questions

Questions specific to Indiana's Volkswagen Mitigation Trust Program should be sent to:

Mr. Shawn M. Seals
Indiana Department of Environmental Management
(317) 233-0425
SSeals@idem.IN.gov

Submission deadline is Summer 2018

APPENDIX

Indiana Department of Environmental Management Volkswagen Environmental Mitigation Trust Draft Beneficiary Mitigation Plan

Introduction

The following proposal is in response to the approximate \$40.9 million Indiana is poised to receive in settlement funds under the proposed partial Consent Decree with the United States District Court for the Northern District of California in the lawsuit entitled *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, Case No: MDL No. 2672 CRB (JSC)*. Appendix D-2 of the Consent Decree specifies eligible mitigation actions and expenditures for the Mitigation Trust Fund. IDEM will administer these funds and proposes to implement the following strategy to reduce nitrogen oxides (NOx) emissions in Indiana.

IDEM, Office of Air Quality, has identified areas in Indiana that currently have the highest NOx emissions and counties likely to be designated as "Nonattainment" with the United States Environmental Protection Agency (U.S. EPA) 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS). NOx is a precursor to ozone. IDEM proposes to prioritize (in part) use of the settlement funds to reduce NOx emissions in ozone nonattainment areas and areas under maintenance plans for ozone or fine particulate matter (PM2.5) to the extent possible. IDEM is also encouraging other areas of the state to apply for funds to improve air quality through the early replacement of other vehicles and equipment.

Project Descriptions

IDEM is proposing to allocate the Mitigation Trust Fund dollars in four categories designed to implement projects that reduce NOx and other criteria pollutants. The types of projects included with this proposal are durable, sustainable solutions for the long-term benefit of communities. Project outcomes will be quantified with the U.S. EPA Diesel Emissions Quantifier or other appropriate methodology.

Additionally, IDEM is seeking input regarding the proposal criteria outlined in Table 1, including:

- Project types.
- Allocations.
- Grantee match requirements.

Category 1:

- Consent Decree Appendix D-2 listed projects: Percent allocated to be determined through RFI process.
 - Class 8 local freight trucks and port drayage trucks
 - Class 4-8 school buses, shuttle buses or transit buses
 - Class 4-7 local freight trucks

- Pre-Tier 4 diesel switcher locomotives
- Repower or upgrade of eligible diesel-powered ferries and tugs
- Shorepower equipment for oceangoing vessels and vessels operating within the Great Lakes
- Repower of eligible diesel-powered airport ground support equipment
- Repower of eligible forklifts and port cargo handling equipment

Category 2:

- State DERA match: Percent allocated to be determined through RFI process.
 - Traditional DERA-type projects including but not limited to vehicle and engine replacements, exhaust after treatments, idle reduction technologies, etc.

Category 3:

- New light duty zero emissions vehicle supply equipment: Percent allocated to be determined through RFI process.
 - Feasibility studies to determine viable project locations as well as appropriate technology types.

Category 4:

- Staff: Percent allocated to be determined through RFI process.

Impact Statement

Using the U.S. EPA Diesel Emissions Quantifier or other appropriate methodology, emission reduction potential from the BMP will be determined. These reductions may continue to increase over time as the life expectancy of some of the equipment likely to be included in the BMP will exceed the ten year cycle of the Volkswagen Environmental Mitigation Trust.

Priority for projects will be given to areas that:

- Are currently or may soon be designated nonattainment for the newest ozone NAAQS or are maintenance areas for Ozone and/or PM2.5 NAAQS.
- Have populations adversely impacted by poor air quality due to diesel engine emissions from nearby stationary or mobile emission sources, such as urban residential areas in close proximity to roadways with high traffic volumes.

Potential Project Partners

Potential project partners include non-profit organizations, health organizations, industry stakeholders (railroad, boats, trucking, and construction), educational institutions,

environmental advocacy groups, environmental justice organizations, and communities. Through the Indiana Clean Diesel Coalition and other partnerships, IDEM has established effective working relationships with many partners who are invited to provide input relative to Mitigation Trust projects.

Ten Year Implementation Plan

Year 1:

- Project planning, partner development, feasibility studies, project implementation (including DERA).

Years 2-10:

- Priority will initially be given to large project implementation to obtain the highest amount of NOx reductions in non-attainment areas and in urban areas impacted by diesel engine emissions from nearby stationary or mobile emission sources.
- DERA projects will continue through all ten years if the State continues to receive allocation of funds from the U.S. EPA.

Budget Framework

The empty cells of Table 1 below will be developed using input provided through this RFI:

Table 1

Funding/Project Category	Per Unit Cost	Unit Count	Grantee Match Percentage	Total BMP Cost
Emission Reduction Projects				
Class 8 trucks				
Class 4-8 buses				
Class 4-7 trucks				
Pre-Tier 4 switcher locomotives				
Repowers of ferries and tugs				
Shorepower equipment for marine locations				
Repower of airport ground support equipment				
Repower of forklifts and port cargo handling equipment				
State DERA Match				
Light duty zero emissions infrastructure				
Administrative Costs				