

- Apply to VW's Tribal Beneficiary status by this March 16th or **AS SOON AS POSSIBLE**. FREE technical assistance by the Institute for Tribal Environmental Professionals (ITEP):

www7.nau.edu/itep/main/volkswagensettlement/ or request assistance: Mark.Daniels@nau.edu

- EPA's DERA Tribal Grant Program Request for Applications out this Spring (likely April-June) with NO required cost-share. Learn more about last year's program (with previously required cost-share still on this site): epa.gov/cleandiesel/clean-diesel-tribal-grants

- Visit EPA's West Coast Collaborative site and join the list-serv to be notified of the DERA Tribal Grant Program:

westcoastcollaborative.org and list-serv: tinyurl.com/y2axl8bg

Here in the chat box, please type in your name, Tribal affiliation and if this sessions covers one of your EPA Tribal Environmental Plan (ETEP) priorities. If you do not know if this session topic is in your ETEP, you can leave that response blank. This information will be forwarded to EPA headquarters in tracking Regional support/training of Tribal ETEP priorities. Thank you!

Diesel Emission Reduction Act & VW Settlement Funding

Trina Martynowicz
U.S. EPA Region 9
Air Division
Martynowicz.Trina@EPA.gov

Mark Daniels
VW Program Coordinator
Institute for Tribal Environmental Professionals
Mark.Daniels@NAU.edu

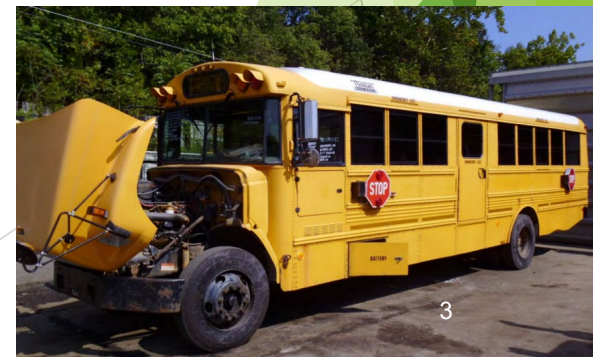
Overview

- ▶ Volkswagen's (VW) nearly \$55 million to the tribes & Alaska Native Villages

- ▶ New, cleaner larger diesel vehicles & equipment
- ▶ Will fund 100% if tribal owned

- ▶ EPA's Diesel Emission Reduction Act funding for Tribes

- ▶ NO tribal cost-share funding required! Up to 100% EPA funding for tribes to purchase new, cleaner larger diesel vehicles & equipment
- ▶ Competitive Request for Applications (RFA) out this Spring!



VW Settlement

- ▶ Volkswagen (VW) violated the Clean Air Act for ~580,000 diesel vehicles with defeat devices
- ▶ VW is required to:
 1. Buy back vehicles or perform emissions modifications
 2. Invest \$2 billion on zero-emission electric vehicles (EVs) and EV infrastructure
 3. **Spend \$2.9 billion to fully remediate the excess NO_x emissions**
 - ▶ Nearly \$55 million to the Tribes and Alaska Native Villages
 - ▶ Funds distributed annually through 2021



Mitigation Trust Fund

- Who's Eligible?

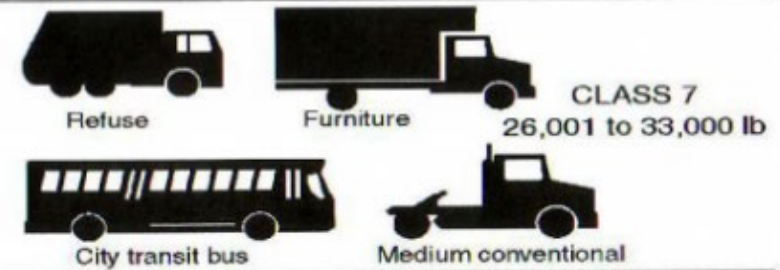
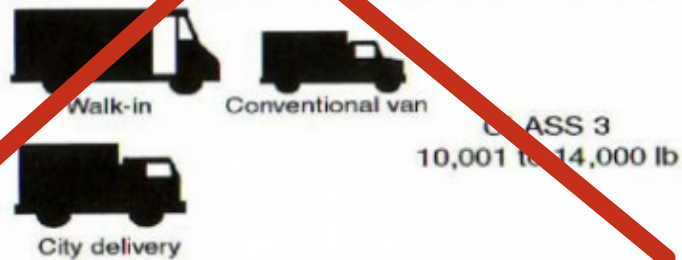
- ▶ All 50 states, Washington D.C., and U.S. territories
- ▶ Federally recognized Indian Tribes and Alaskan Native Villages
- ▶ Intertribal consortium with jurisdiction over transportation or air quality
 - ▶ Partnership between two or more tribes that is authorized by the governing bodies of those tribes to apply for and receive funding

Mitigation Trust Fund

- ▶ \$55 million throughout the U.S. for tribes
- ▶ Reduce diesel NO_x emissions from medium- and heavy-duty engines or vehicles
- ▶ Scrap old diesel engines or vehicles and replace with new, cleaner similar vehicle
- ▶ Some eligible diesel vehicles and equipment:



Truck & Bus Classifications



Eligible Mitigation Actions

- ▶ Various Eligible Mitigation Actions or projects to use these funds
 - ◎ Options #1-9
 - ◎ Option #10 “DERA Option” (EPA’s Diesel Emission Reduction Act)
 - ◎ Must apply to EPA’s DERA grant program Request for Applications (RFA)

Eligible Mitigation Options #1-9:

1. Class 8 local freight trucks and port drayage trucks
2. School/shuttle/transit bus
3. Locomotive switchers
4. Ferries/tugboats
5. Ocean going vessels shorepower
6. Class 4-7 local freight trucks
7. Airport ground support equipment
8. Forklifts
9. **Light-duty electric vehicle charging stations**

DERA Option #10:

- ▶ Option to use Trust Funds for actions not specifically listed but otherwise eligible under DERA
- ▶ Trust Funds used as a voluntary match in DERA proposal
- ▶ EPA approves and is involved with projects

OPTIONS #1 & 6: Class 4-8 Local Freight & Class 8 Port Drayage Trucks



Vehicle Replacement Activity	Eligible Engine Model Year	Trust Funding: Non-Gov. Owned	Trust Funding: Gov. Owned
New diesel or alternate fueled	1992-2009	25% local freight, 50% port drayage	100%
New all-electric	1992-2009	75%	100%

OPTION #2: Class 4-8 School, Shuttle or Transit Buses



New diesel or alternate fueled	2009 & older	25%	100%
New all-electric	2009 & older	75%	100%

How Tribes Access Trust Funds

Funding Cycle	Approximate Amount Available	Due Date to Become a Beneficiary
4 th & any subsequent funding cycles	\$18.1 million	March 16, 2021

- ▶ Tribal Beneficiary may split Trust funds between Eligible Mitigation Actions #1-9 and DERA Option #10
- ▶ Two or more Beneficiaries may submit a joint request
- ▶ Once a tribe is designated as a Beneficiary, they are eligible to participate in all future funding cycles
- ▶ Funding amount per tribe determined by a calculation that includes tribal population

FREE Technical Assistance

Institute for Tribal Environmental Professionals (ITEP)

- ▶ Provides free:
 - ▶ Outreach and trainings
 - ▶ One-on-one technical assistance
 - ▶ Assistance preparing and reviewing documents
- ▶ Established a Tribal Advisory Council
- ▶ Over 25 years of service providing environmental training and technical assistance to tribes!



Moving Toward Cleaner Air

Reducing emissions that impact our health



Goal: to reduce diesel emissions from existing diesel engines

► Funding Programs:

- **National Grants- competitive, out now**
- **Tribal Grants- competitive, out this April!**
- **School Bus Rebates- lottery, out this Fall**
- State Allocations

DERA Tribal Grant Program

- ▶ Since 2009, the DERA Tribal Program provided over \$14 million via 40 tribal grants
- ▶ Funded fishing vessel engine repowers, fishing dock shorepower, diesel generators, truck stop electrification, agricultural and mining equipment, dump and trash trucks, and school bus retrofits and replacements



DERA Tribal Grant Program

- ▶ **Eligible Mitigation #10 DERA Option**
 - ▶ Tribes must be certified beneficiaries to the Tribal Trust Agreement and submit Notice of Intent to Participate under DERA's Tribal program
 - ▶ VW funds can be used for non-federal voluntary cost share costs of the eligible project
 - ▶ VW funds cannot be used to meet the mandatory cost share requirements
- ▶ **FY21 RFA out this Spring (?April-June?)**
 - ▶ ~\$5 million available, ~\$800,000/application
 - ▶ **NO tribal cost-share required!**

DERA: Eligible Vehicles, Engines & Equipment

VW & DERA
DERA-only

- ▶ May include (but are not limited to) verified/certified diesel-powered:
 - ▶ Buses: school, city, shuttle buses
 - ▶ Medium-duty or heavy-duty trucks: Class 5-8 delivery, short- or long-haul buses
 - ▶ **Marine engines: boats, ships, ferries, tugs**
 - ▶ **Locomotives**
 - ▶ **Non-road engines, equipment or vehicles:**
 - ▶ **Construction, agriculture, mining, energy production stationary generators**
 - ▶ **Port cargo handling equipment**

TENTATIVE- FY21 DERA Tribal Program Changes

- ▶ No required cost-share/mandatory match!
- ▶ Insular Areas may apply: American Samoa, Guam, CNMI & US Virgin Islands
 - ▶ Same RFA
 - ▶ Applications reviewed separately
 - ▶ Separate funding for tribes



DERA School Bus Rebate Program

- ▶ Scrap an existing old diesel school bus to receive a \$20,000-\$65,000 rebate (*FY20 funding amounts*) to purchase a cleaner bus
- ▶ Oversubscribed- random selection of applications to fund
- ▶ To apply: must email one-page application and scans of the bus title and registration
- ▶ **Accepting applications this Fall**
www.epa.gov/dera/rebates
- ▶ Totally separate from the VW Tribal funding

2016 DERA Grant

- ▶ EPA funding = \$154,000
- ▶ Mandatory match by Gila River = \$154,000
- ▶ Scrap two old diesel school buses owned by the Sacaton School District and replace with 2015 or newer diesel buses



2016 & 2019 DERA Grants



THE
MORONGO BAND OF
MISSION INDIANS

A SOVEREIGN NATION

- ▶ Located in Riverside County, nonattainment area for fine particulate matter (PM_{2.5}) and ozone
 - ▶ Borders I-10, +140,000 vehicles/day
- ▶ FY16: EPA funding = \$167,000; 50% mandatory match by Morongo
 - ▶ Public Works Department trash trucks- scrap old diesel and replace with cleaner ones
- ▶ FY19: EPA funding = \$283,841; 50% mandatory match by Morongo
 - ▶ Replace 2 school buses and 2 backhoes



2019 DERA Grant



- ▶ Located in Humboldt County, Northern CA
- ▶ Heavily forested and prone to wildfires
- ▶ EPA funding = \$78,562
- ▶ Matching funds by Blue Lake and VW Settlement = \$311,427
- ▶ Replace a 1992 diesel wildland fire engine with a new, cleaner diesel model



Questions?

- ▶ Apply for VW's Tribal Beneficiary status **by March 16th, 2021** *OR AS SOON AS POSSIBLE*
 - ▶ Technical assistance by the Institute for Tribal Environmental Professionals (ITEP)
 - ▶ Request assistance: Mark.Daniels@nau.edu
nau.edu/itep/main/volkswagensettlement/
- ▶ EPA's DERA Tribal Grant Program Request for Applications out around April- NO required cost-share!
epa.gov/cleandiesel/clean-diesel-tribal-grants
- ▶ Join EPA's West Coast Collaborative's list-serv to be notified of DERA Tribal Program & webinars
westcoastcollaborative.org
List-serv: tinyurl.com/y2axl8bg

Appendix

Overview of the First Three Funding Cycles

▶ First Funding Cycle

- ▶ About \$6 million in funding available
- ▶ 25 Tribes applied for and received funds
- ▶ Allocations ranged from \$68k to \$800k

▶ Second Funding Cycle

- ▶ Almost \$15.5 million in funding available
- ▶ 45 Tribes applied for and received funds
- ▶ Allocations ranged from \$158k to \$1.8m

▶ Third Funding Cycle

- ▶ About \$16.5 million in funding available
- ▶ 50 Tribes applied for and received funds
- ▶ Allocations ranged from \$146k to \$2.1m

How Tribes Access Trust Funds

Overview of the Tribal Beneficiary Application Process

1

CONTACT ITEP

ITEP shares fact sheet, explaining process and Eligible Mitigation Actions (Appendix D-2)

2

FILE INCUMBENCY CERTIFICATE

ITEP refers to Trustee, who guides process

3

GAIN INTRALINKS ACCESS

Trustee grants access to online file-sharing platform

4

SUBMIT CERTIFICATION FOR BENEFICIARY STATUS

(Appendix D-3)
ITEP guides and reviews
March 16, 2021

5

COMPLETE TRUSTEE SECURITY FORMS

Required before Tribe can be paid!

6

TRIBES SUBMIT BENEFICIARY PARTICIPATING NOTICE

(Appendix D-6)
June 16, 2021

7

TRUSTEE ALLOCATION NOTICE TO BENEFICIARIES

June 30, 2021

8

TRIBE SUBMITS APPENDIX D-4 OR APPENDIX D-7 TO OPT OUT

ITEP guides and reviews
August 30, 2021

Certification for Beneficiary Status Under Environmental Mitigation Trust Agreement: Appendix D-3

- ▶ D-3 must be sent to Trustee and US District Court in Northern California
- ▶ Tribe or Alaska Native Village agrees to terms of trust agreement
- ▶ Official notice to court and Trustee to participate in the settlement **and waive any other claims against VW**
- ▶ Designate “Lead Agency” to act on behalf of Tribe and report back to Trustee
- ▶ Agree that all information provided will be made publicly available, and make a plan to do so

Beneficiary Eligible Mitigation Action Certification: Appendix D-4

- ▶ Plan to replace older diesel large trucks/buses/equipment based on D-2 requirements for new and cleaner vehicles/equipment
- ▶ **Vehicles to be replaced must be scrapped**
- ▶ Budget, Project Timeline, Vendor Quotes
- ▶ Funding and reporting details
- ▶ Need to estimate NO_x reductions of project
- ▶ Up to 15% of total cost for administrative costs
- ▶ Up to 15% for Zero Emission Vehicle Infrastructure (such as electric vehicle charging stations)

DERA: Diesel Generators for Electricity

- ▶ For remote tribes using diesel generators at primary source of electricity
- ▶ Replace with renewable energy solar systems
- ▶ EPA can fund the design, electric panels upgrades, installation, downsized backup diesel generator
- ▶ Can **NOT** fund the solar and battery energy storage systems