

**APPENDIX D-4**  
**Beneficiary Eligible Mitigation Action Certification**

**BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION**

---

Beneficiary Tennessee

Lead Agency Authorized to Act on Behalf of the Beneficiary Tennessee Department of Environment and Conservation  
*(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>	STATE OF TENNESSEE LIGHT DUTY ZEV SUPPLY EQUIPMENT GRANT
<b>Beneficiary's Project ID:</b>	ENVWZEVINFRA
<b>Funding Request No.</b>	<i>(sequential)</i> 25
<b>Request Type: (select one or more)</b>	<input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to: (select one or more)</b>	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

**SUMMARY**

<b>Eligible Mitigation Action</b> <input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>Eligible Mitigation Action Category #9, Light Duty Zero Emission Vehicle Supply Equipment</u> <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> See attached.
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b> See attached.
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b> See attached.
<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> Tennessee Department of Environment and Conservation
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b> See attached.
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b> See attached.
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b> See attached.

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).  
See attached.

**ATTACHMENTS**  
**(CHECK BOX IF ATTACHED)**

- Attachment A Funding Request and Direction.
- Attachment B Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).
- Attachment C Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).
- Attachment D Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]
- Attachment E DERA Option (5.2.12). [Attach only if using DERA option.]
- Attachment F Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]

**CERTIFICATIONS**

By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary Tennessee, 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:** 8/22/2023

Molly R. Cripps, Director, Bureau of Environment Operations / Office of Energy Programs / Emergency Res

**[NAME]**  
**[TITLE]** 

Tennessee Department of Environment and Conservation

**[LEAD AGENCY]**

**for**  
**Tennessee**

**[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 the Tennessee Department of Environment and Conservation [insert Lead Agency] to act on behalf of Beneficiary Tennessee under the Mitigation Trust, [Lead Agency] directs the Trustee to make the following payments from its subaccount no. 122969-031 to the following payees, for the amounts specified on the dates specified below.

**LEAD AGENCY INFORMATION**

Beneficiary Name:	<u>Tennessee</u>	Lead Agency Contact Person:	<u>Molly R. Cripps</u>
Lead Agency Name:	<u>Tennessee Department of Environment and Conservation</u>	Lead Agency Email Address:	<u>molly.cripps@tn.gov</u>
Lead Agency Address:	<u>312 Rosa L. Parks Ave., 2nd Floor, Nashville, TN 37243</u>	Lead Agency Fax:	<u>615-741-5070</u>
Lead Agency Phone:	<u>615-741-2994</u>	Lead Agency TIN:	<u>626001445</u>

*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:	<u>STATE OF TENNESSEE LIGHT DUTY ZEV SUPPLY F</u>	Funding Request No:	<u>25</u>
Beneficiary's Project ID:	<u>ENWZEVINFRA</u>		

**PAYMENTS REQUESTED**

*(attach additional pages if needed)*

<b>Amount</b>	<b>Requested Date</b>	<b>Payee</b>	<b>Request Type</b>
\$10,191.19	8/22/2023	STATE OF TENNESSEE TREASURY	Reimbursement

**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:	STATE OF TENNESSEE LIGHT DUTY ZEV SUPPLY E	Beneficiary Project ID:	ENWVZEVINFRA
Payee Name:	STATE OF TENNESSEE TREASURY	Payee Contact Person:	REBECCA WALLACE
Payee Address:	312 Rosa L. Parks Ave., 10th Floor, Nashville, TN 3724	Payee Email Address:	rebecca.wallace@tn.gov
Payee Phone:	615-532-0296	Payee Fax:	615-259-4862
Payee TIN:	626001445		

Payment Amount	Requested Date	Request Type
\$10,191.19	8/22/2023	Reimbursement

**WIRE INFORMATION**

Receiving Bank Name:	FIRST HORIZON BANK		
Receiving Bank Branch:	NASHVILLE MAIN		
Receiving Bank Address:	511 UNION ST. NASHVILLE, TN 32719		
Bank Swift ID:	184503761	National Routing No. / Bank ABA Number <i>(Sort Code, BLZ)</i>	084000026
Amount of Wire:	\$10,191.19		
Message to Payee:	Tennessee Department of Environment and Conservation / VW Reimbursement		
Instructions to Receiving Bank:	Tennessee Department of Environment and Conservation / VW Reimbursement		
For Credit to:	Tennessee Department of Environment and Conservation / VW Reimbursement		
Other Special Instructions:	Contact Rebecca Wallace (615-532-0296) with any questions.		

*[Signature Block]* Angela McGee (Authorized Instructor)  
angela.mcgee@tn.gov  
615-852-0131

*Angela McGee*

Molly Cripps (Agency Lead)  
molly.cripps@tn.gov

*Molly Cripps*  
08.22.2023

## **BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION SUMMARY ATTACHMENT**

(All terms that are both bolded and italicized in this document are defined in Appendix D-2 of the State Trust Agreement.)

### **Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):**

Section V.B.iii. of the State of Tennessee's Beneficiary Mitigation Plan states:<sup>1</sup>

The State will allocate \$6,177,588.45 to eligible *Light Duty Zero Emission Vehicle (ZEV) Supply Equipment* projects.

Within the *Light Duty ZEV Supply Equipment* Eligible Mitigation Action category, the State will fund a portion of the cost to purchase and install publicly accessible light duty electric vehicle supply equipment (EVSE) at both *Government* Owned properties and Non-Government Owned properties. The State will also fund a portion of the cost to purchase and install eligible light duty EVSE at both workplaces and multi-unit dwellings. Based on anticipated use cases, the State will fund only Level 2 or Direct Current Fast Charging equipment for publicly accessible EVSE. For workplace and multi-unit dwelling infrastructure, the State will only fund Level 1 or Level 2 charging equipment.

As of June 30, 2023, the State has obligated \$5,200,000.00 to a total of 12 grantees to complete direct current fast charging (DCFC) infrastructure projects at 13 sites. No funds have been reimbursed to date.

Additionally, Section V.D. of the State of Tennessee's Beneficiary Mitigation Plan speaks to the intended use of allowable administrative expenditures for each Eligible Mitigation Action category.<sup>1</sup>

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

After conducting a comprehensive review of all grant applications, TDEC selected 12 grantees that will install 32 DCFC units at 13 sites.

A total of \$5,200,000 has been obligated to DCFC infrastructure along corridors. The remaining \$977,588.45 will be allocated to additional, Eligible Mitigation Action (EMA) subcategories to be announced in future solicitations. A revised Beneficiary Mitigation Plan detailing this information was submitted to the Trustee and posted to the TDEC website in July 2022.

TDEC released a first round solicitation for *Light Duty ZEV Supply Equipment* on August 30, 2021. The first round Notice of Intent to Apply (NOI) response sheets were due by October 15, 2021. Upon review of the initial project proposals, TDEC notified 15 local power companies (LPCs) of the proposed locations that were selected to move forward such that all NOI respondents were encouraged to move forward with one or more locations. On November 29, TDEC launched the full application for the Fast Charge TN network and prompted the 15 selected LPCs to complete the application by January 14, 2022. TDEC conducted a comprehensive review of all 12 grant applications that were submitted, with the total request equaling \$5,200,000.00 for 32 DCFC units to be installed at 13 sites. TDEC determined all applications to be eligible for funding.

---

<sup>1</sup> State of Tennessee's Beneficiary Mitigation Plan.

[https://www.tn.gov/content/dam/tn/environment/energy/documents/vw-resources/TDEC\\_VW\\_EMT\\_BMP\\_Updated\\_7.19.22.pdf](https://www.tn.gov/content/dam/tn/environment/energy/documents/vw-resources/TDEC_VW_EMT_BMP_Updated_7.19.22.pdf)

These projects can support local government and business economies by establishing paid charging services that will attract EV drivers and customers to the area. Project sites and nearby communities will also benefit from improved air quality due to the elimination of tailpipe emissions from EVs operating on electricity.

**Estimate of Anticipated NOx Reductions (5.2.3):**

The DCFC infrastructure projects are expected to yield NOx emissions reductions (dependent on station utilization) of 394.31-690.04 pounds of NOx per year.<sup>2</sup> TDEC will provide updated information on expected NOx emissions reductions for additional *Light Duty ZEV Supply Equipment* projects along with each corresponding Attachment A – Funding Request and Direction for this Eligible Mitigation Action category.

**Describe how the Beneficiary will make documentation publicly available (5.2.7.2):**

Please see the Attachment to the State of Tennessee’s Certification for Beneficiary Status under the Environmental Mitigation Trust,<sup>3</sup> which details how the State of Tennessee will make documentation publicly available.

**Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8):**

**Corridor DCFC infrastructure (Fast Charge TN network):** For selected, eligible projects, the program will provide up to 80% of the cost to purchase, install, operate, and maintain eligible DCFC infrastructure that will be located within a prioritized corridor gap and available to the public. This program will not support the purchase or rental of real estate, other capital costs (e.g., construction of buildings, parking facilities, etc.), or general maintenance (i.e., maintenance other than of the EV charging infrastructure). Program participants will be required to provide at least 20% of the total project cost through direct or in-kind cost share. This program will require selected projects to include at least two DC fast chargers at each location, with the option to request to install a maximum of four DC fast chargers per location. Additionally, requests for funding may not exceed \$150,000 per fast charger to be installed. Program participants will be responsible for finding a suitable host site and purchasing, installing, owning, operating, and maintaining program-funded fast charging equipment for a period of no less than five years.

**Additional, Eligible EMA subcategories (e.g., workplace charging, multi-unit dwelling charging, public L2 charging):** Funding caps for specific project types will be announced during the project solicitation phase. These funding caps shall not exceed those set forth in the State Trust Agreement for this EMA category. TDEC will provide updated information on cost share requirements along with each corresponding Attachment A – Funding Request and Direction for this Eligible Mitigation Action category.

**Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9):**

---

<sup>2</sup> The total number of *Light Duty ZEV Supply Equipment* projects or pieces of equipment that could be funded for each sub-category of this Eligible Mitigation Action category (e.g., *Light Duty ZEV Supply Equipment* at a multi-unit dwelling, *Light Duty ZEV Supply Equipment* at a workplace, etc.) was multiplied by the corresponding expected emissions reduction estimates to arrive at the range of expected emissions reductions. For this Eligible Mitigation Action category, emissions for a Tier 2 light duty passenger vehicle were utilized, as this type of vehicle was assumed to be the vehicle that would be purchased, had a ZEV not been purchased. EPA emission rates for a Tier 2 vehicle were then multiplied across an assumed utilization of the charging infrastructure, which was estimated based on data contained in a 2015 report by Idaho National Laboratory (<https://avt.inl.gov/sites/default/files/pdf/arra/ARRAPEVnInfrastructureFinalReportHqItySept2015.pdf>).

<sup>3</sup> Certification for Beneficiary Status Under Environmental Mitigation Trust Agreement. [https://www.tn.gov/content/dam/tn/environment/energy/documents/vw-resources/Tennessee%20Appendix%20D-3%20form%20\(executed%20and%20filed\).pdf](https://www.tn.gov/content/dam/tn/environment/energy/documents/vw-resources/Tennessee%20Appendix%20D-3%20form%20(executed%20and%20filed).pdf).



Please see Appendix 3 (Notice of Availability of Mitigation Action Funds to Certain Federal Agencies) of the State of Tennessee's Beneficiary Mitigation Plan, which details how the Beneficiary complied with subparagraph 4.2.8 of the State Trust Agreement.<sup>4</sup>

**If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10):**

Please see Section VI. of the State of Tennessee's Beneficiary Mitigation Plan. This section sets forth the method by which the Tennessee Department of Environment and Conservation will consider the potential beneficial impact of selected Eligible Mitigation Actions on air quality in areas that bear a disproportionate share of the air pollution burden.<sup>5</sup>

---

<sup>4</sup> State of Tennessee's Beneficiary Mitigation Plan. [https://www.tn.gov/content/dam/tn/environment/energy/documents/vw-resources/TDEC\\_VW\\_EMT\\_BMP\\_Updated\\_7.19.22.pdf](https://www.tn.gov/content/dam/tn/environment/energy/documents/vw-resources/TDEC_VW_EMT_BMP_Updated_7.19.22.pdf).

<sup>5</sup> Ibid.

**ATTACHMENT B**

**PROJECT MANAGEMENT PLAN – PROJECT SCHEDULE AND MILESTONES**

<b>Light Duty Electric Vehicle Supply Equipment Program Milestone</b>	<b>Date</b>
Solicitation Release	By August 31, 2021 (notice of intent to apply) and November 29, 2021 (full application)
Application Deadline	January 28, 2022
Selected Grantees Announced	July 28, 2022
Updated Beneficiary Mitigation Plan Published	July 19, 2022
Draft Grant Contracts Sent to Grantees for Signature	August 2022
Grant Contracts Finalized	October 2022
Grant Contract Begin Date	November 16, 2022
Trustee Acknowledges Receipt of Project Certification and Funding Direction	January 14, 2020 (Trustee acknowledged receipt of December 16, 2019 submission of D-4)
Grantees complete quarterly, annual, and final reports, as required by the Grant Contract	December 2022-February 2029 (Note: Funds will be obligated prior to the 10 <sup>th</sup> anniversary of the Trust Effective Date; reporting requirements will continue and extend past that date)
Lead Agency conducts on-site and desktop monitoring of all Grantees	December 2022-May 2024
Grantees certify project completion and provide detailed invoices for all claimed project costs, documentation for emissions reduction estimates, required certification documents to Lead Agency to support direction to Trustee for Payment	December 2022-May 2024
Lead Agency completes review of project reimbursement supporting documentation and certifies payment direction to Trustee	December 2022-August 2024
Trustee Acknowledges Receipt of Direction for Payment(s)	January 2023-August 2024
Trustee Allocates Share of State Funds for Approved Project (to coincide with vehicle purchase/delivery/deployment and corresponding scrappage)	February 2020 (First payment from Trustee)- September 2024
Grant Contract End Date	February 15, 2024, assuming that no contract extensions are granted
Grant Closeout / Lead Agency Reports Project Completion	February-July 2024

**PROJECT BUDGET**

**Period of Performance:** November 2018-July 2024

<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</b>
<b>Subrecipient Awards (See Attachment D for more details)</b>	\$6,500,000.00	\$5,200,000.00	\$1,300,000.00
<b>Administrative</b>	\$520,000.00	\$520,000.00 (Estimated: 10% of obligated project funds)	N/A
<b>Project Totals</b>	\$7,020,000.00	\$5,720,000.00	\$1,300,000.00
<b>Percentage</b>	100%	81.5%	18.5%

**PROJECTED TRUST ALLOCATIONS**

	2022
Anticipated Annual Project Funding Request to be paid through the Trust	\$0 (no projects reimbursed in 2022)
Anticipated Annual Cost Share	\$0
Anticipated Total Project Funding by Year (line 1 plus line 2)	\$0
Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$18,826.11
Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$0
Total Funding Allocated to Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$18,826.11
Beneficiary Share of Estimated Funds Remaining in Trust	\$39,840,000 (Based on principal assets + total income assets from September 2022 statement, rounded down to the nearest 10 thousand)
Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$39,821,173.89

## ATTACHMENT C

### DETAILED PLAN FOR REPORTING ON ELIGIBLE MITIGATION ACTION IMPLEMENTATION

The Tennessee Department of Environment and Conservation (TDEC) will provide detailed reporting on this Environmental Mitigation Trust project in two ways:

1. Timely updates to TDEC's *Tennessee and the Volkswagen Diesel Settlement* public-facing webpage (also referred to as the "TDEC Webpage," which can be accessed at [www.tn.gov/environment/VWSettlement](http://www.tn.gov/environment/VWSettlement));
2. Tennessee's semiannual Beneficiary Reporting Obligations to Wilmington Trust (the "Trustee").

After being identified by the Governor as Lead Agency, TDEC launched the TDEC Webpage to provide information regarding the Environmental Mitigation Trust and eligible mitigation actions. The State of Tennessee's Beneficiary Mitigation Plan and all documentation and records submitted by the Beneficiary in support of each funding request to the Trustee will be available to the public on the TDEC Webpage. Timely updates to the TDEC Webpage will inform the general public on the projects' status as well as when these projects have been completed.

Tennessee will comply with Subparagraph 5.3 of the Environmental Mitigation Trust Agreement for State Beneficiaries, which details the following Beneficiary Reporting Obligations:

For each Eligible Mitigation Action, no later than six months after receiving its first disbursement of Trust Assets, and thereafter no later than January 30 (for the preceding six-month period of July 1 to December 31) and July 30 (for the preceding six-month period of January 1 to June 30) of each year, each Beneficiary shall submit to the Trustee a semiannual report describing the progress implementing each Eligible Mitigation Action during the six-month period leading up to the reporting date (including a summary of all costs expended on the Eligible Mitigation Action through the reporting date). Such reports shall include a complete description of the status (including actual or projected termination date), development, implementation, and any modification of each approved Eligible Mitigation Action. Beneficiaries may group multiple Eligible Mitigation Actions and multiple sub-beneficiaries into a single report. These reports shall be signed by an official with the authority to submit the report for the Beneficiary and must contain an attestation that the information is true and correct and that the submission is made under penalty of perjury. To the extent a Beneficiary avails itself of the DERA Option described in Appendix D-2, that Beneficiary may submit its DERA Quarterly Programmatic Reports in satisfaction of its obligations under this Paragraph as to those Eligible Mitigation Actions funded through the DERA Option. The Trustee shall post each semiannual report on the State Trust's public-facing website upon receipt.

To assist Tennessee in fulfilling its Beneficiary Reporting Obligations, Grantees under TDEC's ***Light Duty ZEV Supply Equipment*** Grant Program will be required to submit quarterly, annual, and final reports on their projects. Details on each Grantee's required reporting will be outlined in a ***Light Duty ZEV Supply Equipment*** Grant Program Manual, which is currently under development. TDEC will provide and submit to the Trustee detailed information on specific Grantee reporting requirements upon completion of the Grant Program Manual. This information will be provided to the Trustee along with each corresponding Attachment A – Funding Request and Direction for this Eligible Mitigation Action category.

## ATTACHMENT D

### DETAILED COST ESTIMATES FROM SELECTED OR POTENTIAL VENDORS FOR EACH PROPOSED EXPENDITURE EXCEEDING \$25,000

After conducting a comprehensive review of all grant applications under the Fast Charge TN Network Grant Program, the Tennessee Department of Environment and Conservation (TDEC) selected 12 Grantees that will install a total of 32 DC Fast Charging stations at 13 individual sites. Details on these Grantees and their associated projects can be found in the table below.

Grantee	Enhanced Technical Specifications	# of Chargers/Sites	Grant Amount Requested	Applicant's Cost Share	Total Project Cost
Athens, City of	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
Brownsville Energy Authority	No	4/1	\$600,000.00	\$150,000.00	\$750,000.00
Columbia Power & Water Systems	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
Dayton, City of	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
EPB of Chattanooga	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
Johnson City Energy Authority dba BrightRidge	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
Memphis Light, Gas and Water*	Yes	8/2	\$1,600,000.00	\$400,000.00	\$2,000,000.00
Paris Utility Authority	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
Sequachee Valley Electric Cooperative	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
Smithville Electric System	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
Springfield, City of	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
Tulahoma Utilities Authority	No	2/1	\$300,000.00	\$75,000.00	\$375,000.00
<b>TOTAL</b>		32/13	\$5,200,000.00	\$1,300,000.00	\$6,500,000.00

\*Memphis Light, Gas and Water has been selected to receive funds to install stations that meet the Enhanced Technical Specifications as detailed in the Fast Charge TN Network Grant Program Guidelines. As a result, the Grantee's Grant Amount Requested totals to \$250,000.00 per charger to be installed. As this Grantee was the only recipient to elect to pursue these more stringent technical specifications, all other Grantees' Grant Amount Requested reflect a maximum of \$150,000.00 per charger to be installed.

At the time of this reimbursement request, Grantees under the Fast Charge TN Network Grant Program must submit to TDEC cost invoices along with all required supporting documentation. Eligible costs under this Program are limited to the cost to purchase, install, operate, and maintain eligible EV fast-charging infrastructure that will be located within a prioritized corridor gap and made available to the public. The total eligible costs may include the cost associated with the purchase and installation of eligible EV charging infrastructure (e.g., utility make-ready activities such as the securing of three-phase power, trenching or laying of conduit, etc.); support services (e.g., engineering and design, site identification and qualification); and operational and maintenance costs purchased upfront, including maintenance services and network fees in addition to bollards and wheelstops. Non-eligible project costs include the purchase or rental of real estate; other capital costs (e.g., construction of buildings, canopies, parking facilities, etc.); general maintenance (i.e., maintenance other than of the charging infrastructure); and legal fees associated with land acquisition. The Program will also not reimburse for administrative costs (i.e., costs not directly connected to purchase, installation, operation, and maintenance of the charging infrastructure), such as time spent on the completion of required reporting, contract management, Title VI compliance, etc. Invoices provided as supporting documentation along with reimbursement requests must detail any such costs in an itemized fashion.

Grantee instructions for completing and submitting an invoice are outlined in a Fast Charge TN Network Grant Program Manual<sup>6</sup> and are provided below:

<sup>6</sup> State of Tennessee Volkswagen Diesel Settlement Environmental Mitigation Trust Fast Charge TN Network Grant Program Manual, [https://www.tn.gov/content/dam/tn/environment/energy/documents/vw-resources/VW%20Fast%20Charge%20TN%20Network%20Grant%20Program%20Manual\\_with\\_appendices\\_8.4.22.pdf](https://www.tn.gov/content/dam/tn/environment/energy/documents/vw-resources/VW%20Fast%20Charge%20TN%20Network%20Grant%20Program%20Manual_with_appendices_8.4.22.pdf).

Section C.5 of the Grant Contract states that the Grantee shall invoice the State no more often than monthly, with all necessary supporting documentation... Each invoice shall clearly and accurately detail all of the following required information:

- a. Invoice/Reference Number (assigned by the Grantee);
- b. Invoice Date;
- c. Invoice Period (to which the reimbursement request is applicable);
- d. Grant Contract Number (assigned by the State);
- e. Grantor: Department of Environment and Conservation;
- f. Grantor Number (assigned by the Grantee to the above-referenced Grantor);
- g. Grantee Name;
- h. Grantee Tennessee Edison Registration ID Number Referenced in Preamble of the Grant Contract;
- i. Grantee Remittance Address;
- j. Grantee Contact for Invoice Questions (name, phone, or fax); and
- k. Itemization of Reimbursable Requested for the Invoice Period – it must detail, at minimum, all of the following:
  - i. The amount requested by Grant Budget line-item;
  - ii. The amount reimbursed by Grant Budget line-item to date;
  - iii. The total amount reimbursed under the Grant Contract to date; and
  - iv. The total amount requested (all line-items) for the Invoice Period.

...Invoices shall be submitted along with supporting documentation in the form of cancelled checks, confirmation of payment, and signed donation letters, in order to verify all expenditures and cost share contributions.

Grant payments will be made electronically to the account specified on the Automated Clearing House (ACH) form, to be completed by the Grantee.

Detailed supporting documentation (grantee invoices to TDEC, vendor invoices to grantees, and proof of payment) for eligible ***Light Duty Zero Emission Vehicle Supply Equipment*** will be provided to the Trustee along with each corresponding Attachment A – Funding Request and Direction for this Eligible Mitigation Action category.

**VOLKSWAGEN DIESEL SETTLEMENT  
ENVIRONMENTAL MITIGATION TRUST  
STATE OF TENNESSEE ADMINISTRATIVE EXPENDITURES**

**VW Light Duty Zero Emission Vehicle (ZEV) Supply Equipment – Project Code  
ENVWZEVINFRA**

**Dates: July 1, 2022 through June 30, 2023**

Employee ID 00359905 - \$179.91

Employee ID 00448314 - \$1,098.22

Employee ID 00614553 - \$578.17

Employee ID 00539908 - \$4,235.71

Employee ID 00458710 - \$447.34

Employee ID 00598185 - \$1,140.46

Employee ID 00103044 - \$486.86

**Total Salaries & Benefits - \$8,166.67**

**Total Indirect - \$2,024.52**

**Total Administrative Expenditures - \$10,191.19**

**Total Grantee Reimbursements - \$0**

**Grand Total - \$10,191.19**

A total of seven employees (six OEP employees and one APC employee) charged time to Light Duty Zero Emission Vehicle (ZEV) Supply Equipment.

















UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 WASHINGTON, D.C. 20460  
COGNIZANT AGENCY  
NEGOTIATION AGREEMENT

The State of Tennessee  
 Department of Environment  
 and Conservation  
 Nashville, Tennessee

Date: January 11, 2022  
 Filing Ref: March 22, 2021

The indirect cost rates contained herein are for use on grants and contracts with the Federal Government to which Office of Management and Budget Circular 2 CFR 200 applies, subject to the limitations contained in the Circular and in Section II, A below.

**SECTION I: RATES**

Type	Effective Period		Rate	Base	Location	Applicable To
	Start	End				
<b>Fixed:</b>						
Environment Bureau	7/1/2022	6/30/2023	24.79%	(A)	All	All
Conservation Bureau	7/1/2022	6/30/2023	18.53%	(A)	All	All

- (a) **Base:** Total direct salaries and wages, including applicable fringe benefits. To determine the amount of indirect costs to be billed under this agreement, direct salaries and wages and related fringe benefits should be summed and multiplied by the rate.

**Treatment of Fringe Benefits:** Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

**SECTION II: GENERAL**

- A. **LIMITATIONS:** Use of the rates contained in this Agreement are subject to any applicable statutory and administrative limitations and apply to a given grant, contract or other agreement only to the extent that funds are available. Acceptance of the rates agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal; (2) all such costs are the legal obligations of the grantee/contractor; (3) similar types of costs have been accorded consistent accounting treatment; and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs.
- B. **AUDIT:** All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.

C. **CHANGES.** The rates contained in this agreement are based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in the organizational structure or changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rates in this agreement, may require the prior approval of the cognizant agency. Failure to obtain such approval may result in subsequent audit disallowances.

D. **THE FIXED RATE** contained in this agreement is based on an estimate of the costs that will be incurred during the period for which the rate applies. When the actual costs for such periods have been determined, an adjustment will be made to the rate for future periods, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

E. **AGENCY NOTIFICATION:** Copies of this document may be provided to other Federal agencies as a means of notifying them of the agreement contained herein. Please retain a copy of this document for your records

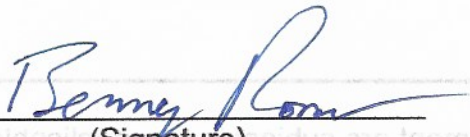
F. **OTHER:** Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.

**SECTION II: ACCEPTANCE**

---

The undersigned official warrants that he/she has the proper authority to execute this agreement on the behalf of the State Agency:

By the Federal Agency:

  
(Signature)

JACQUELINE SMITH  
Digitally signed by JACQUELINE SMITH  
Date: 2022.01.11 13:49:53 -05'00'

(Signature)

**Benny Romero**

(Name)

Jacqueline Smith, Rate Negotiator  
National Policy, Training and Compliance Division  
U.S. Environmental Protection Agency

**Department Controller**

(Title)

**Environment and Conservation**

(Agency)

**01/24/2022**

(Date)

Negotiated by: Jacqueline Smith  
Telephone: (202) 564-5055