

# Kansas Plan for the VW Environmental Mitigation Trust

This plan overview is provided by the Kansas Department of Health and Environment



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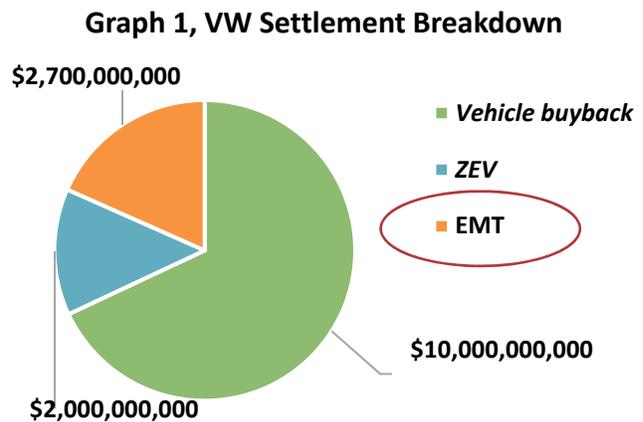
[www.kdheks.gov/bar/air-monitor/dieselgrant/dieselvw](http://www.kdheks.gov/bar/air-monitor/dieselgrant/dieselvw)

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## I. Background - VW Environmental Mitigation Trust (VW EMT)

In late 2016 and early 2017, the United States District Court for the District of Northern California approved a settlement with Volkswagen (VW) addressing 2.0 and 3.0-liter diesel engines. This action was taken to settle allegations by EPA and California that VW used illegal defeat devices on Model Year 2009-2016 diesel vehicles to evade emission tests, resulting in excess tailpipe emissions for nitrogen oxides (NO<sub>x</sub>)<sup>1</sup>. Graph 1 shows a breakdown of settlement actions totaling nearly \$15 billion<sup>2</sup>. A portion of the settlement requires VW to establish an environmental mitigation trust, operated by a third party<sup>3</sup>, for states (including Tribes, D.C. and Puerto Rico) to implement projects that reduce NO<sub>x</sub> emissions. Governmental entities will be allocated approximately \$2.7 billion to implement NO<sub>x</sub> reduction plans. Entities in each jurisdiction must be certified as beneficiaries and lead agencies must also be established. Each governmental entity will receive a specified settlement amount based on the number of affected vehicles registered in each jurisdiction. The settlement also requires VW to repurchase or repair affected vehicles and provide funding for zero emission vehicle (ZEV) infrastructure. Information about these last two activities can be viewed on the Volkswagen website.



### VW Environmental Mitigation Trust (EMT) Activities in Kansas

The Kansas Department of Health and Environment (KDHE) has filed the required certification form for the State of Kansas to become a beneficiary of the EMT. Certification was official on 1/30/2018. This form also names KDHE as the lead agency for trust activities in Kansas. As the lead agency, the department will implement activities with the trust that was allocated to Kansas. These trust funds total \$15,662,238.80 for the 2.0 L and 3.0 L settlements.<sup>4</sup> Activities include creation of this mitigation plan, public participation, reporting on plan efforts, project selection, project funding approvals and management of project requirements.

- **Mitigation Plan:** Also known as the Kansas Plan for the VW Environmental Trust, the mitigation plan is a requirement of beneficiary participation in the trust. The Beneficiary Mitigation Plan need only provide the level of detail reasonably ascertainable at the time of submission. The plan is intended to provide the public with insight into Kansas' high-level vision for use of the mitigation funds and information about the specific uses for which funding is expected to be requested. Nothing in this plan is binding, nor does it create any rights in any person to claim an entitlement of any kind. Kansas may adjust its goals and specific spending plans at its discretion by providing an updated Beneficiary Mitigation Plan to the Trustee. Such adjustments may be made based on changes in the availability and costs of technologies, future changes in air quality conditions across affected areas, and cumulative experience with various mitigation actions. The documents herein states: (A) the beneficiary's overall goal for the use of the funds; (B) the categories of Eligible Mitigation Actions the Beneficiary anticipates will be appropriate to achieve the stated goals and the preliminary assessment of the percentages of funds

<sup>1</sup> NO<sub>x</sub> or nitrogen oxides is a criteria air pollutant for which there are health-based standards set by the federal government.

<sup>2</sup> Settlement documents

<sup>3</sup> Wilmington Trust was named the trustee in early 2017.

<sup>4</sup> There are an estimated 3,186 affected vehicles in Kansas.

anticipated to be used for each type of Eligible Mitigation Action; (C) a description of how the Beneficiary will consider the potential beneficial impact of the selected Eligible Mitigation Actions on air quality in areas that bear a disproportionate share of the air pollution burden within its jurisdiction; and (D) a general description of the expected ranges of emission benefits the Beneficiary estimates would be realized by implementation of the Eligible Mitigation Actions identified in the Beneficiary Mitigation Plan.

- **Public Participation:** KDHE staff participated in four informational meetings to engage public and private entities. These meetings, which included presentations and question and answer sessions, were held in the summer and fall of 2017 in Salina, Garden City, Topeka and Wichita. KDHE created an e-mail address list to provide updates to interested parties as well as launched a Kansas VW webpage.<sup>5</sup> Finally, a dedicated e-mail address became necessary for more efficient tracking purposes. In late November 2017, KDHE posted an informal request for information (RFI) document to further engage the general public and private entities. Responses were reviewed and a summary on the RFI is included in Appendix A of this document. In January 2018, KDHE provided a required notification to area Tribal and federal entities regarding VW allocation for Kansas and all entities were added the VW e-mail list for further updates. The Kansas Plan for the VW Environmental Trust final draft was posted to the KDHE VW webpage for a formal public comment period of 30 days.<sup>6</sup> KDHE sought comments on the plan draft using the e-mail list, news release and several entities with extensive e-mail lists for distribution. Seventeen comments were received, and a summary table is included in Appendix D. A final plan overview Power Point presentation is located on the KDHE website.<sup>7</sup>
- **Reporting of trust efforts:** This requirement, also to be performed by KDHE, will be accomplished by regular and timely communication with the selected project points of contact. KDHE will adhere to reporting format and timeframe requirements.
- **Project selection:** KDHE will pursue three types of project selection processes.
  - Standard request for proposals (RFP)
  - DERA option as described in Appendix B, item 10.
  - Direct funding for specific projects
- **Project funding approvals:** The plan involves projects that reduce NO<sub>x</sub> emissions and maximize the settlement funding. KDHE will fund eight of the ten eligible mitigation actions laid out in the settlement documents. The complete list is included in Appendix B. Item 4, Ferries and Tugs, and Item 5, Ocean Going Vessel Shorepower, will not be included as options in Kansas.
- **Management of Project Requirements:** This activity describes KDHE's involvement in the completion of project requirements. These include but are not limited to equipment verification, contract development, bid approvals and equipment decommission.

## II. Plan Development in Kansas

The KS Plan for the VW Environmental Mitigation Trust was developed by the Kansas Department of Health and Environment. A formal notification for public comment regarding the final draft of the plan was released on June 1, 2018 for a 30-day comment period ending July 2, 2018.

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<sup>5</sup> <http://www.kdheks.gov/bar/air-monitor/dieselgrant/dieselvw.html>

<sup>6</sup> KDHE posted a draft of plan on 6/1/2018 on the KDHE: <http://www.kdheks.gov/bar/air-monitor/dieselgrant/dieselvw.html>

<sup>7</sup> <http://www.kdheks.gov/bar/air-monitor/dieselgrant/dieselvw.html>

Activities related to plan development include:

- Consideration of current air pollutant design values for NO<sub>x</sub> and ground-level ozone
- Review of the latest National Emission Inventory (NEI) for nitrogen oxides
- Population and NO<sub>x</sub> emission from mobile sources
- Review of responses to a request for information document

### III. Kansas Plan for the VW Environmental Trust

#### A. Goal

The goal of the Beneficiary Mitigation Plan for Kansas is to achieve reductions in NO<sub>x</sub> emitted from mobile sources.

#### B. Preliminary EMT Action Categories for Kansas

Table 1 lists the preliminary funding amounts and trust activities for plan submission to the third-party trust. The information is based on a review of the 2014 National Emission Inventory data for Kansas and information received during the request for information period in late November 2017. The trust allows up to 15 percent for administrative costs. These costs must be associated with eligible project implementation. KDHE does not anticipate using the full amount for administration of the trust for Kansas. Unspent trust from each funding period returns to the Kansas trust for future appropriation. The categories represent what will reduce NO<sub>x</sub> emissions from mobile sources; therefore, projects using trust fund and any federal DERA funding used in combination with the trust may not be used for fleet expansion. All vehicle, equipment and engine replacements must result in the decommission and destruction of an eligible in-use fleet piece. The electric vehicle (EV) charging infrastructure category has no such requirement.<sup>8</sup>

<b>Eligible Category</b>	<b>Description</b>	<b>Potential Amount</b>
1. DERA Option (25.5%)	- Early School Bus Replacements/idling technologies - Non-road equipment replacement or engine replacements	\$2,000,000 for school buses and \$2,000,000 for non-road equipment/engines
2. EV Charging infrastructure (15%)	15 percent of allocation for Kansas used for increasing access to electric vehicle charging infrastructure	\$2,349,335.82
3. On-road - Classes 4 through 8 (32%)	Vehicle replacements or engine replacements of government and non-government owned fleet vehicles, model years 1992 to 2009	\$5,000,000
4. Freight Switcher (25.5%)	Engine replacement on pre-Tier 4 locomotives that operate 1,000 or more hours per year.	\$4,000,000
5. Other, TBD, based on demand (2%)	- Airport Ground Support - Forklifts and Port Cargo Handling Equipment	\$312,902.98
<b>TOTAL = \$15,662,238.80</b>		

<sup>8</sup> KDHE will require that the Kansas trust be used only for Kansas-based fleets, observing that vehicles may spend a limited portion of operations across the borders in other states (MO, OK, CO, NE).

- 1. DERA Option** – This category allows for states to use VW EMT funds to match the annual federal allocation from the National Clean Diesel Program (DERA).<sup>9</sup> This voluntary match allows the state to qualify for a bonus of 50 percent of a state’s base allocation. For example, a state receiving federal allocation of \$200,000 for clean diesel projects may voluntarily match the allocation with a non-federal fund such as the VW EMT. Providing such a match of at least \$200,000 allows the state to receive an additional “bonus” of \$100,000 for a total of \$300,000 in federal funds and increase the impact of the funding for emission reductions from mobile sources. Therefore, a base federal allocation of \$200,000 has the potential to become a \$500,000 opportunity for fleet operators in Kansas. Kansas will follow all funding and programmatic requirements for the federal DERA program, reporting the use of VW EMT funds as the match source. It is proposed that Kansas will continue to offer the Kansas Clean Diesel Program for early school bus replacements, using DERA and matching with VW EMT to expand the reach of the funding and emission reductions. It is further proposed that Kansas will include a separate funding track for non-road fleet projects that are not eligible using VW EMT funds alone. Projects for non-road fleets include the replacement of engines or total replacement of the equipment. Both funding tracks will be available using competitive processes through a formal request for proposals (RFP).

Kansas proposes to use the VW EMT funds to at least provide the funding required for the match incentive in the upcoming federal fiscal year and for every year the allocation is authorized by congress in future federal budgets. If DERA funding is not included in future federal budgets, school buses will still be an eligible project category under the VW EMT; however, the non-road category is eligible only if projects are funded through DERA.

- 2. Light-Duty EV Infrastructure** – The electric vehicle count in Kansas is estimated at 604 all-electric and 1,012 plug-in hybrid electric variations.<sup>10</sup> Results of the RFI document indicate that responders were in favor of increasing access for electric vehicle charging in Kansas to increase the number of electric vehicles in Kansas and driven through Kansas. KDHE anticipates working with other state agencies, local governments, Electrify America, private companies such as electric companies and environmental groups to effectively plan and use the maximum \$2,349,355.82 (15 percent) of the allocation in this category. Locations of interest include those in which mission appropriate equipment is available to the public. For example, DC fast-charging stations located at rest areas along major highways or other appropriate areas and/or Level - 2 stations located at public parking areas. KDHE proposes to provide up to 60 percent of the cost necessary for acquisition, installation, operation and maintenance of new light duty zero emission vehicle supply equipment. This requires cost-share for all types of EV charging equipment and chosen locations to maximize the total deployment of the equipment. The number of stations deployed is dependent on the type of equipment to be purchased.

- 3. On-road, Classes 4 – 8 Government and Non-Government Vehicles** – KDHE anticipates working with other state agencies, counties, municipalities and private fleet owners to upgrade eligible equipment, considering alternative fuels where appropriate, including all-electric. This category in the Kansas plan is a combination of several of the mitigation actions categories listed in the final consent decree:

- Item 1 - Class 8 Local Freight Trucks and Port Drayage Trucks (Eligible Large Trucks)
- Item 2 - Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Eligible Buses)<sup>11</sup>
- Item 6 - Class 4-7 Local Freight Trucks (Eligible Medium Trucks)

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<sup>9</sup> Diesel Emission Reduction Act (DERA), <https://www.epa.gov/cleandiesel/clean-diesel-state-allocations>

<sup>10</sup> 2016 - <https://autoalliance.org/in-your-state/KS/>

<sup>11</sup> The KS plan also lists school bus under the DERA Option which is funded by an annual federal allocation. If the allocation ends school buses will move to this category.

Definitions for the eligible vehicles are listed in Appendix D-2 of the final consent decree and will be provided during implementation of the Kansas plan.<sup>12</sup> KDHE proposes to provide annual budget request to the third-party trust over a five-year period to minimize production delays for new equipment and to avoid task overburden to staff members involved in the projects. Furthermore, KDHE proposes to require cost-share for all entities to maximize the trust allocation for Kansas. Charging infrastructure for all-electric vehicles is an eligible project cost, other types of fueling infrastructure are not eligible under the VW mitigation trust. For government fleets, KDHE proposes to provide up to 50 percent of the total cost to replace an eligible diesel vehicle with a diesel vehicle and 75 percent for diesel to an alternative fuel or all-electric.<sup>13</sup> For engine replacements, KDHE proposes to provide 75 percent for diesel to diesel, diesel to alternative fuel or all-electric. For non-government fleets, KDHE proposes to provide 25 percent of the total cost to replace an eligible diesel vehicle with a diesel, alternative fuel or all-electric vehicle.<sup>14</sup> For engine replacements, KDHE proposes to provide 40 percent for diesel to diesel, diesel to alternative fuel or all-electric.<sup>15</sup>

4. **Freight Switchers** – KDHE proposes to provide up to \$4,000,000 for new switcher and engine replacements that operate in Kansas rail yards. Priority will be given to projects in counties that have a disproportionate share of emissions from switcher operations. KDHE identified sixteen (16) Kansas counties that list emissions from switchers in the 2014 National Emission Inventory database. Approximately 50 percent of NO<sub>x</sub> from switcher operations is located in Wyandotte (39%) and Shawnee (13%) Counties. It is further proposed to prioritize projects from these two counties but not exclude the remaining 14 counties as potential recipients. KDHE will follow the funding guidelines specified in the consent decrees. Funding to replace an eligible diesel engine with a new diesel or alternative fueled engine is listed as 40 percent of the total cost. Funding to replace eligible switchers is listed at 25 percent of the total cost of the vehicle and may be diesel or use an alternative fuel such as propane or CNG. Finally, funding to replace an eligible diesel engine or switcher with and all-electric model is listed at 75 percent of the total costs including charging infrastructure.
5. **Other to be determined, based on demand** – KDHE proposes to apply the remaining funds not included in the above four categories towards the equipment replacement or engine replacement for forklifts/port handling equipment and airport ground support equipment. These two VW mitigation actions received very little attention during the RFI period and KDHE has had limited experience with these types of fleets. For these reasons, KDHE will place this category on hold. Funding could increase due to lack of interest during funding periods for other categories. Likewise, funding could decrease due to increased interest during funding periods for other categories.

### C. Benefits to areas with disproportionate NO<sub>x</sub>/air pollution

The Kansas Department of Health and Environment will use the following considerations to describe the air quality benefits to areas that bear a disproportionate share of the NO<sub>x</sub> emissions:

1. Affected VW/Porsche/Audi vehicles in Kansas
2. Mobile source NO<sub>x</sub> emissions in areas of Kansas

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<sup>12</sup> <https://www.epa.gov/enforcement/environmental-mitigation-trust-agreements>

<sup>13</sup> For all-electric equipment charging infrastructure in an eligible expense for the VW EMT; no other types of fueling infrastructure are eligible for trust funding, per the terms of the consent decree.

<sup>14</sup> For all-electric equipment charging infrastructure in an eligible expense for the VW EMT; no other types of fueling infrastructure are eligible for trust funding, per the terms of the consent decree.

<sup>15</sup> Percentages are likely to change during implementation in consideration of comments received.

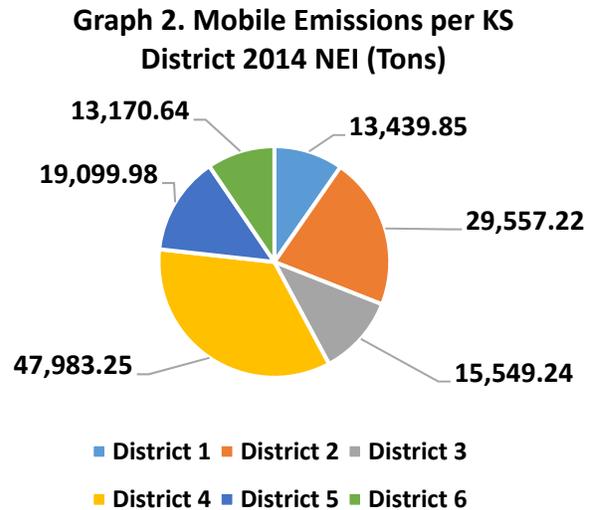
**1. Affected VW/Porsche/Audi vehicles in Kansas** - The EMT allocations were calculated using the number of affected vehicles in an eligible jurisdiction. There are an estimated 3,186 affected vehicles registered in the State of Kansas. Table 2 lists the model years and vehicle models subject to the terms of the partial consent decrees. This number is based on the approximately 590,000 total affected vehicles in the US, D.C. and Puerto Rico and the Kansas allocation percentage of 0.54 percent per the final partial consent decree.<sup>16</sup>

<b>Table 2. 2.0 L and 3.0 L Subject Vehicles</b>	
<b>Model Year</b>	<b>Vehicle Models</b>
2009	Jetta, Jetta Sportwagen, Touareg, Q7
2010	Jetta, Jetta Sportwagen, Golf, A3, Touareg, Q7
2011	Jetta, Jetta Sportwagen, Golf, A3, Touareg, Q7
2012	Jetta, Jetta Sportwagen, Golf, A3, Touareg, Q7
2013	Beetle, Beetle Convertible, Jetta, Jetta Sportwagen, Golf, A3, Passat, Touareg, Q7, Porsche Cayenne Diesel
2014	Beetle, Beetle Convertible, Jetta, Jetta Sportwagen, Golf, Passat, Touareg, Q7, Porsche Cayenne Diesel, A6 quattro, A7 quattro, A8, A8L, Q5
2015	Beetle, Beetle Convertible, Jetta, Jetta Sportwagen, Golf, A3, Passat, Touareg, Porsche Cayenne Diesel, A6 quattro, A7 quattro, A8, A8L, Q5
2016	Touareg, Porsche Cayenne Diesel, A6 quattro, A7 quattro, A8, A8L, Q5

The Kansas Department of Revenue provided an initial dataset of all VW, Audi and Porsche registered in each Kansas county per the model year requested. Upon review, the Kansas Department of Health and Environment was not able to determine the exact number of affected vehicles in each county. Staff members were able to determine that the largest number of the vehicle registrations queried by affected model year, vehicle make and model named in the partial consent decree documents were located in the following ten Kansas counties: Johnson, Sedgwick, Douglas, Shawnee, Wyandotte, Leavenworth, Geary, Riley, Butler and Miami. It is important to note that not every registered VW, Audi and Porsche vehicle in these ten counties or elsewhere in Kansas was recalled because of defeat device installation, however it is logical that a higher number of affected vehicles were registered in counties with a higher number of total vehicles of the same model year, vehicle make and vehicle model.

<sup>16</sup> <https://www.epa.gov/vw/learn-about-volkswagen-violations>

**2. Mobile source NO<sub>x</sub> emissions in areas of Kansas** - Graph 2 shows the breakdown of mobile emission by KDHE District. District 1 has 10 percent of the total state mobile source emissions for NO<sub>x</sub>. District 2 has 21 percent of the total state mobile source NO<sub>x</sub> emissions. Districts 3 has 11 percent of the total state mobile source NO<sub>x</sub> emissions. District 4 has 35 percent of the total state mobile source NO<sub>x</sub> emissions. District 5 has 14 percent of the total state mobile source NO<sub>x</sub> emissions. District 6 has 9 percent of the total state mobile source NO<sub>x</sub> emissions. Counties in each district are listed in Table 3.

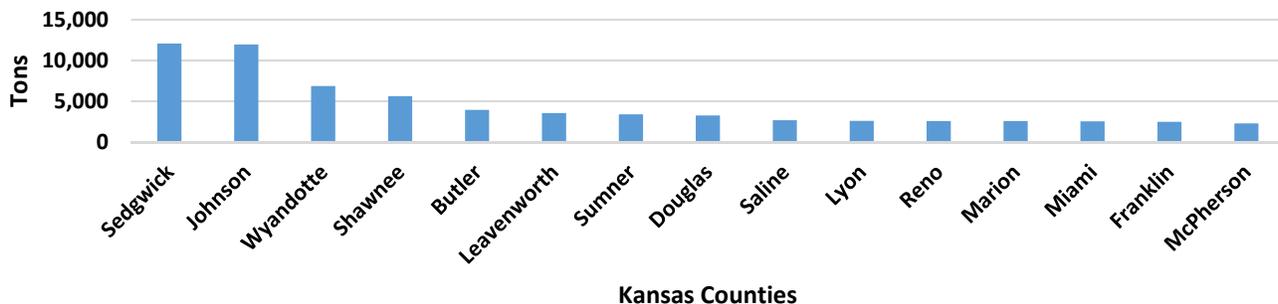


**Table 3. KS Counties in each KDHE District**

District	Counties
1	Barber, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Lane, Meade, Morton, Pawnee, Pratt, Scott, Seward, Stafford, Stanton, Stevens, Wichita
2	Butler, Chase, Cowley, Harper, Harvey, Kingman, Reno, Sedgwick, Sumner
3	Allen, Anderson, Bourbon, Chautauqua, Cherokee, Coffey, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson
4	Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte
5	Clay, Cloud, Dickinson, Ellsworth, Geary, Jewell, Lincoln, Marion, McPherson, Mitchell, Morris, Ottawa, Republic, Rice, Riley, Saline, Washington
6	Barton, Cheyenne, Decatur, Ellis, Gove, Graham, Logan, Ness, Norton, Osborne, Phillips, Rawlins, Rooks, Rush, Russell, Sheridan, Sherman, Smith, Thomas, Trego, Wallace

Finally, Graph 3 that roughly 50 percent of total NO<sub>x</sub> emission from mobile sources are in the listed fifteen counties in Kansas.

**Graph 3. Mobile Source NO<sub>x</sub> Emission per County 2014 NEI, highest 15**



KDHE anticipates offering most opportunities statewide. Project competition request for proposals may list priority project areas and define the project areas as having larger mobile source NO<sub>x</sub> emissions.

**D. Estimated range of emission benefits = 640 tons of NO<sub>x</sub> over lifetime of implemented projects<sup>17</sup>**

The following three tables list the estimated NO<sub>x</sub> emission reduction over the useful life of the proposed projects. For simplicity, NO<sub>x</sub> reductions were calculated by entering a diesel to diesel fleet improvement using the Diesel Emission Quantifier (DEQ).<sup>18</sup> Emissions reductions from the deployment of EV charging stations has not been quantified but will be provided later. Likewise, emissions reduced from the category 5 projects will be determined and reported as plans for this category become solidified.

<b>Table 4. DERA Option</b>			
<b>Item</b>	<b>VW EMT Funding*</b>	<b>Estimated number of vehicles/equipment replaced</b>	<b>Estimated NO<sub>x</sub> emissions reduced (EPA - Diesel Emission Quantifier) tons over useful life of vehicle</b>
School bus replacements	\$2,000,000	80**	50
Non-road equipment	\$2,000,000	40***	190

\* VW EMT funding only, this total does not include additional equipment using the federal allocation

\*\* Calculation, Total cost of bus X 0.25 = reimbursement, \$100,000 X 0.25 = \$25,000 per reimbursement award.

\*\*\*If project reimbursement is \$50,000 this would cover 40 pieces of equipment.

<b>Table 5. On-Road, Classes 4 through 8</b>			
<b>Item</b>	<b>VW EMT Funding*</b>	<b>Estimated number of vehicles/equipment replaced</b>	<b>Estimated NO<sub>x</sub> emissions reduced (EPA - Diesel Emission Quantifier) tons over useful life of vehicle</b>
Government and Non-Government Classes 4-8	\$5,000,000	88*	100

\* Assumes average vehicle total cost = \$180,000 and awarded 25 to 50 percent of total cost. This dollar amount was taken from several recovery act (ARRA) projects awarded by KDHE in 2010.

<b>Table 6. Freight Switcher</b>			
<b>Item</b>	<b>VW EMT Funding*</b>	<b>Estimated number of vehicles/equipment replaced</b>	<b>Estimated emissions reduced (EPA - Diesel Emission Quantifier) tons over useful life of vehicle</b>
Switcher	\$4,000,000	4*	300

\* Assumes Tier 1 engines replaced with Tier 4 engines.

<sup>17</sup> Estimated benefits for other emissions reduced will be provided as reporting efforts. They are not included in this plan for simplicity.

<sup>18</sup> <https://www.epa.gov/cleandiesel/diesel-emissions-quantifier-deq>. A more robust calculator will be used in future calculations.

## Appendix A: Plan Development –Additional Background

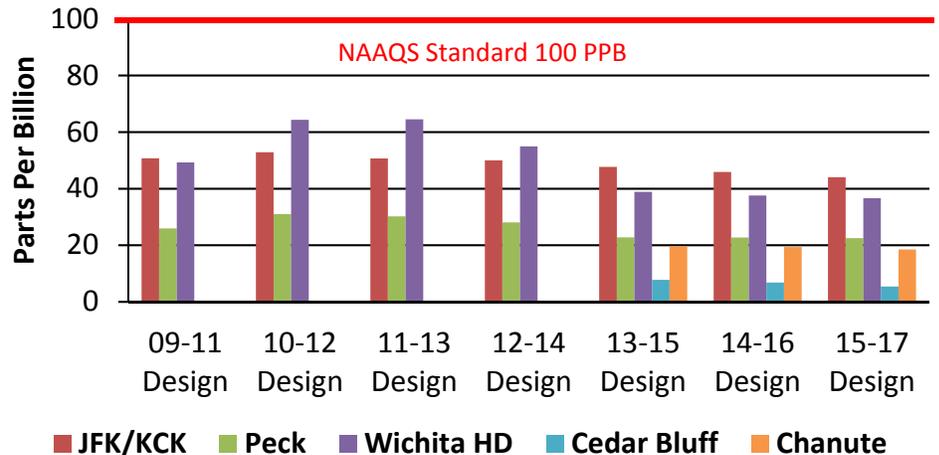
The following is background information on ambient NO<sub>x</sub> levels in Kansas, a review of the National Emission Inventory for mobile sources in Kansas and a review of the Request for Information (RFI) documents received in late December 2017

### NO<sub>x</sub> and Ground-Level Ozone:

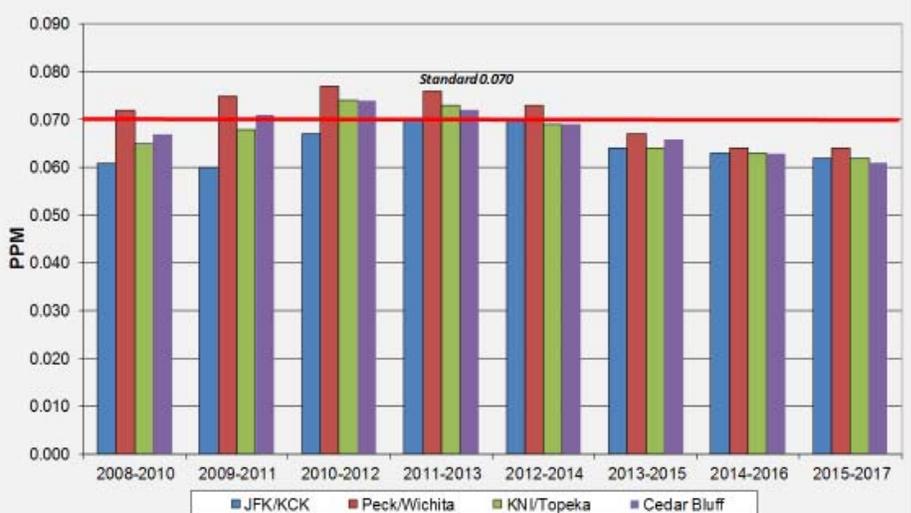
Oxides of nitrogen (NO<sub>x</sub>) is the main pollutant of concern for this plan. NO<sub>x</sub> is a group of highly reactive gases that includes nitrogen dioxide (NO<sub>2</sub>). NO<sub>2</sub> primarily gets in the air from the burning of fuel. NO<sub>2</sub> forms from emissions from cars, trucks and buses, power plants, and non-road equipment. Breathing air with a high concentration of NO<sub>2</sub> can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases, particularly asthma, leading to respiratory symptoms (such as coughing, wheezing or difficulty breathing), hospital admissions and visits to emergency rooms. Oxides of nitrogen also combine with water, oxygen and other chemicals in the atmosphere to form acid rain. NO<sub>x</sub> also contributes to reduced visibility in national parks. These health and environmental concerns are the reasons that there are set federal air pollution levels. Currently, Kansas is in attainment with the federal standards established by the EPA for NO<sub>2</sub>.

NO<sub>x</sub> combines with volatile organic compounds (VOC) and forms ground-level ozone in the presents of sunlight. Therefore, reducing NO<sub>x</sub> in the atmosphere reduces ozone formation at ground level. Like NO<sub>x</sub>, ground-level ozone is a respiratory irritant which triggers a variety of respiratory problem. Ground-level ozone can also cause damage to sensitive vegetation. Kansas is also in attainment of the federal standard for ozone, but levels approach the health-based standard.

### 3 Year Average 99th Percentile Daily Maximum 1 hour NO<sub>2</sub>



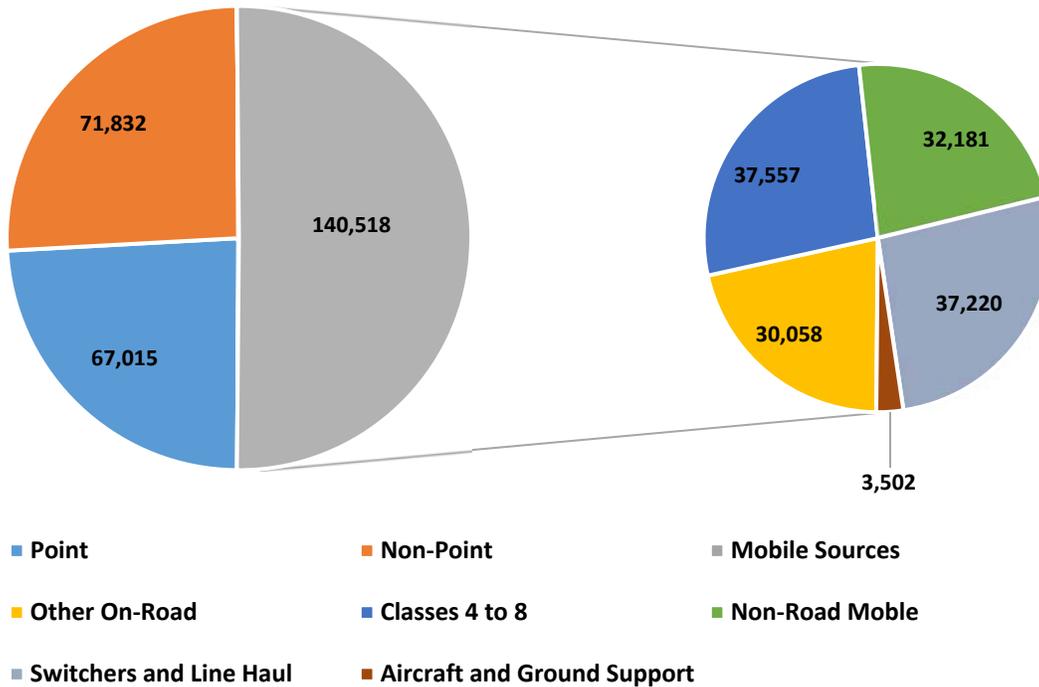
### 8 Hour Ozone Design Values



\* The design value is the fourth-highest 8-hour average ozone concentration averaged over a consecutive three-year period.

**National Emission Inventory (NEI) Data:** KDHE staff members reviewed NO<sub>x</sub> emission sources per sector for the state and a breakdown of the major source categories is provided below.<sup>19</sup>

## NO<sub>x</sub> Emissions in Kansas by Sector (2014 NEI)



Fifty percent (50%) of all NO<sub>x</sub> emissions were from the mobile source sector. All mobile sources are broken out in the smaller pie chart. Other on-road sources (yellow) are predominantly passenger vehicles, motor cycles and motorhomes; none of which are addressed in the trust. Class 4 and 8 (blue) includes vehicles like school/transit buses, refuse trucks, long/short haul trucks, many of which are addressed by the trust. Non-road mobile (green) consists of items like backhoes and excavators. While these are not eligible under the trust, provisions could be made through the DERA option which is allowed by the trust, see Appendix B, item 10 for more information. The switchers and line haul category (gray) refer to the locomotive sector. Locomotives that operate exclusively as switchers are eligible under the trust. Aircraft and ground support (brown) is the final sector, ground support equipment is eligible under the trust.

**Request for Information Review (RFI):** The planning process included an informal request for information (RFI) period during which KDHE gathered public opinion on how the trust funds should be applied in Kansas. Notification of the opportunity was provided to a compiled list of interested parties and via a news release containing a link to the VW webpage for Kansas<sup>20</sup>. The RFI was available between November 22, 2017 and December 31, 2017. Opinions shared were valuable in determining public support for the eligible mitigation actions KDHE considered for the final draft of the plan. A summary of the responses is provided below. The Kansas Department of Health and Environment received over 50 responses to the RFI document. Most

<sup>19</sup> National Emission Inventory data from 2014 was used in Graph 1.

<sup>20</sup> <http://www.kdheks.gov/bar/air-monitor/dieselgrant/dieselvw.html>

responders provided information and or comments for areas of personal or professional interest as was allowable per the posted RFI. Likewise, responses did not provide information or comments for all the questions posed in the request document.

1. BOA proposes that all actions that are eligible under the Partial Consent Decree, as outlined above, except Shorepower for Ocean Going Vessels, be eligible under Kansas' Environmental Mitigation Trust program.

**Yes = 7                      No = 0                      Did not respond = 41**

2. BOA proposes that the State use the allowable maximum of 15 percent for acquisition and installation of new light duty electric vehicle charging infrastructure.

a. In what location should charging infrastructure be installed? Examples include: Public parking lots of government buildings, private businesses, highway rest stops or private parking lots not open to the public such as private business and multi-unit dwellings.

**14 total responses on this question: 13 in favor of this action with locations listed (Public parking lots, government buildings, rest stops, airports, shopping centers, rural access for travelers and rural commuters) and 1 not in favor of the allocation. The cities of Emporia, Wichita, Kansas City and Olathe were listed as locations.**

b. What type of charging equipment should be purchased at the preferred location(s)? Examples include: Level One, Level Two or DC Fast Charging Systems.

**8 total responses on this question: Level 2, DC Fast, depends on the location, also suggested was a combined charging system.**

3. BOA also seeks responses to the following questions:

a. To ensure significant potential for substantial emissions benefits and additional benefits to taxpayers through reduced operating and fuel costs, should the initial stages of Kansas' Environmental Mitigation Trust program focus on replacement of publicly owned state and municipal vehicle fleets?

**11 total responses on this question. 4 of these 11 were yes (3) or no (1) responses. Other responses provided the following specific information or comment: Replace municipal fleets with low emission high mileage or electric vehicles; Public fleets should be all electric projects; allocation should payout 110% of the incremental costs of the EV and changing equipment; 20% of program funds be directed towards local and state government vehicle fleets. Funds should be prioritized for vehicles that serve the general public; encumber current funds for future purchases of electric vehicles, consider useful life of current in use vehicles that may not be ready for replacement with all electric but would be before the end of the trust deadline.**

b. In order to maximize benefits under projects included in Kansas' Environmental Mitigation Trust program, should state agencies and municipalities be required to provide matching funds, and if so, how much or what percentage

**12 total responses on this question. 7 of these 12 were yes (5) or no (2) responses. Other responses provided the following specific information or comment: Government same as non-government, yes but 50/50, 3 included requiring match to be 20% for government fleets.**

*c. To ensure efficient use of funding and effective administration of projects, should Kansas' Environmental Mitigation Trust program establish a minimum project size and encourage grouping of smaller projects under a single entity acting as a lead agent?*

**9 total responses on this question. 5 of the 9 were yes (1) or no (4) responses. Other responses provided the following specific information or comment: Yes \$100,000 project size is the minimum, Yes \$1,000,000 project size is the minimum, grouping smaller projects could prove more efficient, review projects on a case by case basis.**

*d. Should BOA put a portion of the allocation towards the DERA option to expand eligibility to nonroad equipment such as backhoes and excavators?*

**8 total responses on this question. 7 of the 8 were yes (4) or no (3) responses. Other responses provided the following specific information or comment: DERA option should be used for public fleets.**

*e. To ensure efficient use of funding and effective administration of projects, should Kansas use the services of a third party to manage some projects?*

**9 total responses on this question. 8 of the 9 were yes (4) or no (4) responses. Other responses provided the following specific information or comment: Third party or state should administer the fund, the other suggestion was to work through a specific third party.**

*f. Should Kansas collaborate with private companies on environmental mitigation projects?*

**8 total responses on this question. All 8 were yes (6) or no (2) responses.**

*g. Should Kansas collaborate with other adjoining states to develop funding strategies for equipment such as locomotives and freight switchers operating in multiple states?*

**6 total responses on this question. All 6 were yes (3) or no (3) responses.**

*h. Should Kansas prioritize projects that eliminate diesel fuel use in favor of eligible alternative fuels?*

**11 total responses on this question. 5 of the 11 were yes (3) or no (2) responses. Other responses provided the following specific information or comment: Recommend 30% of allocation to incentivize zero emission/battery electric Class 8 transit buses; Adopt voucher/incentive program to accelerate adoption of heavy-duty EV buses; Prioritize project that eliminate diesel fuel and other fossil fuels; Each project accessed on its own merit; No only EV.**

*i. Should a certain percentage of available Trust funds be allocated to each eligible project type, and if so how should the percentage of funding be determined for each eligible project type?*

9 total responses on this question. 8 of the 9 were yes (5) or no (3) responses. Other responses provided the following specific information or comment: 15% charging stations, 35% school buses and transit buses in Wichita and KC, 25% to replace gov owned locomotives, 25% to replace class 4-7 government freight trucks; Adopt voucher/incentive program to accelerate adoption of heavy-duty EV buses; Allocate percentages for 1<sup>st</sup> 5 years and re-access to assure continued interest; Priority should be given for grants for charging stations, rebates for EV purchases, and replacement of diesel vehicles; Grant requests should be considered on a competitive basis, regardless of project type.

*j. Should Kansas award funding on a competitive basis where project proposals would be scored based on whether the project would benefit one of the priority areas and the cost effectiveness in dollars per ton of NO<sub>x</sub> reduced?*

9 total responses on this question. 2 of the 9 were yes (2) or no (0) responses. Other responses provided the following specific information or comment: Projects should be awarded for things that operate daily; Award funding on a competitive basis where project proposal would be scored based on whether the project would benefit one of the priority areas; Ready projects that have commercially available low NO<sub>x</sub> vehicles and reduce the most NO<sub>x</sub>; Based on project benefit and cost effectiveness; benefit to priority areas and cost effectiveness.

*4. BOA seeks responses to the following questions regarding impact on areas that share a disproportionate burden of air pollution:*

*a. How should BOA design a program to ensure benefits occur in areas sharing a disproportionate share of NO<sub>x</sub> emissions?*

9 total responses on this question. Implement emissions testing; Recommend program of emission testing in urban areas; Award funds to fixed use projects where geographic boundaries are easily defined; Majority of Kansas's mitigation funds should be used for low NO<sub>x</sub>, near-zero and zero-emission vehicle grants; Design a program ensuring benefits occur in areas sharing disproportionate share of NO<sub>x</sub> emissions by looking at traffic counts, air quality data and matching it with proximity of major emitting sources to schools, playgrounds, and population density data; Use data from EPA and KDHE databases to identify areas with disproportionately high levels of NO<sub>x</sub>; Refer to the Kansas Department of Transportation's Title VI Plan, which includes EJ Screen analyses that identify affected areas. Refer to Metropolitan Transportation Plans (MTP) for regional information in air quality issues in the urbanized areas of the state; Highest NO<sub>x</sub> level areas get priority; Determine the source of NO<sub>x</sub> emissions contributing to areas disproportionately affected and award projects in the source area; Require that grant proposals address that issue.

*b. What data should BOA use to determine which areas have a disproportionate share of emissions?*

6 total responses on this question. Look at air quality data overlaid with local health reports of asthma heart and lung problems; American Lung Association data; GIS data of known traditional sources of NO<sub>x</sub> compared with population density; Refer to the Kansas Department of Transportation's Title VI Plan,

**which includes EJ Screen analyses that identify affected areas. Refer to Metropolitan Transportation Plans (MTP) for regional information in air quality issues in the urbanized areas of the state; BOA or EPA data; Air quality modeling data and public health and safety data; Applicable AQ standards;**

*c. What data should BOA use to determine where low income areas are located in the state?*

**6 total responses on this question. US Census, existing state and federal sources, Kansas Department of Transportation's Title VI Plan, which includes EJ Screen**

## Appendix B: Eligible Projects from the Final Consent Decree

There are ten eligible mitigation action categories listed in the final consent decree. Each category has specific requirements and limits on the maximum that can be paid for eligible actions. The following list was taken directly from the consent decree.<sup>21</sup>

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

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

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

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

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<sup>21</sup> KDHE will consider limiting the range of eligible engine model years to prioritize the oldest equipment.

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

### 3. Freight Switchers

- a. Eligible Freight Switchers include pre-Tier 4 switcher locomotives that operate 1000 or more hours per year.
- b. Eligible Freight Switchers must be scrapped.
- c. Eligible Freight Switchers may be Repowered with any new diesel or Alternate Fueled or All-Electric engine(s) (including Generator Sets), or may be replaced with any new diesel or Alternate Fueled or All-Electric (including Generator Sets) Freight Switcher, that is certified to meet the applicable EPA emissions standards (or other more stringent equivalent State standard) as published in the CFR for the engine model year in which the Eligible Freight Switcher Mitigation Action occurs.
- d. For Non-Government Owned Freight Switchers, Beneficiaries may draw funds from the Trust in the amount of :
- Up to 40% of the cost of a Repower with a new diesel or Alternate Fueled (e.g. CNG, propane, Hybrid) engine(s) or Generator Sets, including the costs of installation of such engine(s).
  - Up to 25% of the cost of a new diesel or Alternate Fueled (e.g. CNG, propane, Hybrid) Freight Switcher.
  - Up to 75% of the cost of a Repower with a new All-Electric engine(s), including the costs of installation of such engine(s), and charging infrastructure associated with the new All-Electric engine(s).
  - Up to 75% of the cost of a new All-Electric Freight Switcher, including charging infrastructure associated with the new All-Electric Freight Switcher.
- e. For Government Owned Eligible Freight Switchers, Beneficiaries may draw funds from the Trust in the amount of:
- Up to 100% of the cost of a Repower with a new diesel or Alternate Fueled (e.g. CNG, propane, Hybrid) engine(s) or Generator Sets, including the costs of installation of such engine(s).
  - Up to 100% of the cost of a new diesel or Alternate Fueled (e.g. CNG, propane, Hybrid) Freight Switcher.
  - Up to 100% of the cost of a Repower with a new All-Electric engine(s), including the costs of installation of such engine(s), and charging infrastructure associated with the new All-Electric engine(s).
  - Up to 100% of the cost of a new All-Electric Freight Switcher, including charging infrastructure associated with the new All-Electric Freight Switcher.

#### **4. Ferries/Tugs**

- a. Eligible Ferries and/or Tugs include unregulated, Tier 1, or Tier 2 marine engines.
- b. Eligible Ferry and/or Tug engines that are replaced must be scrapped.
- c. Eligible Ferries and/or Tugs may be Repowered with any new Tier 3 or Tier 4 diesel or Alternate Fueled engines, or with All-Electric engines, or may be upgraded with an EPA Certified Remanufacture System or an EPA Verified Engine Upgrade.
- d. For Non-Government Owned Eligible Ferries and/or Tugs, Beneficiaries may only draw funds from the Trust in the amount of:
  - Up to 40% of the cost of a Repower with a new diesel or Alternate Fueled (e.g. CNG, propane, Hybrid) engine(s), including the costs of installation of such engine(s)
  - Up to 75% of the cost of a Repower with a new All-Electric engine(s), including the costs of installation of such engine(s), and charging infrastructure associated with the new All-Electric engine(s).
- e. For Government Owned Eligible Ferries and/or Tugs, Beneficiaries may draw funds from the Trust in the amount of:
  - Up to 100% of the cost of a Repower with a new diesel or Alternate Fueled (e.g. CNG, propane, Hybrid) engine(s), including the costs of installation of such engine(s).
  - Up to 100% of the cost of a Repower with a new All-Electric engine(s), including the costs of installation of such engine(s), and charging infrastructure associated with the new All-Electric engine(s).

#### **5. Ocean Going Vessels (OGV) Shorepower**

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

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

- a. Eligible Medium Trucks include 1992-2009 engine model year class 4-7 Local Freight trucks, and for Beneficiaries that have State regulations that already require upgrades to 1992-2009 engine model year trucks at the time of the proposed Eligible Mitigation Action, Eligible Trucks shall also include 2010-2012 engine model year class 4-7 Local Freight trucks.
- b. Eligible Medium Trucks must be scrapped.
- c. Eligible Medium Trucks may be Repowered with any new diesel or Alternate Fueled or All-Electric engine, or may be replaced with any new diesel or Alternate Fueled or All-Electric vehicle, with the

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

## **7. Airport Ground Support Equipment**

- a. Eligible Airport Ground Support Equipment includes:
  - Tier 0, Tier 1, or Tier 2 diesel powered airport ground support equipment; and
  - Uncertified, or certified to 3 g/bhp-hr or higher emissions, spark ignition engine powered airport ground support equipment.
- b. Eligible Airport Ground Support Equipment must be scrapped.
- c. Eligible Airport Ground Support Equipment may be repowered with an All-Electric engine, or may be replaced with the same Airport Ground Support Equipment in an All-Electric form.
- d. For Non-Government Owned Eligible Airport Ground Support Equipment, Beneficiaries may only draw funds from the Trust in the amount of:
  - Up to 75% of the cost of a Repower with a new All-Electric engine, including costs of installation of such engine, and charging infrastructure associated with such new All-Electric engine.
  - Up to 75% of the cost of a new All-Electric Airport Ground Support Equipment, including charging infrastructure associated with such new All-Electric Airport Ground Support Equipment.
- e. For Government Owned Eligible Airport Ground Support Equipment, Beneficiaries may draw funds from the Trust in the amount of:
  - Up to 100% of the cost of a Repower with a new All-Electric engine, including costs of installation of such engine, and charging infrastructure associated with such new All-Electric engine.
  - Up to 100% of the cost of a new All-Electric Airport Ground Support Equipment, including charging infrastructure associated with such new All-Electric Airport Ground Support Equipment.

## **8. Forklifts and Port Cargo Handling Equipment**

- a. Eligible Forklifts includes forklifts with greater than 8000 pounds lift capacity.
- b. Eligible Forklifts and Port Cargo Handling Equipment must be scrapped.
- c. Eligible Forklifts and Port Cargo Handling Equipment may be repowered with an All-Electric engine, or may be replaced with the same equipment in an All-Electric form.

- d. For Non-Government Owned Eligible Forklifts and Port Cargo Handling Equipment, Beneficiaries may draw funds from the Trust in the amount of:
  - Up to 75% of the cost of a Repower with a new All-Electric engine, including costs of installation of such engine, and charging infrastructure associated with such new All-Electric engine.
  - Up to 75% of the cost of a new All-Electric Forklift or Port Cargo Handling Equipment, including charging infrastructure associated with such new All-Electric Forklift or Port Cargo Handling Equipment.
- e. For Government Owned Eligible Forklifts and Port Cargo Handling Equipment, Beneficiaries may draw funds from the Trust in the amount of:
  - Up to 100% of the cost of a Repower with a new All-Electric engine, including costs of installation of such engine, and charging infrastructure associated with such new All-Electric engine.
  - Up to 100% of the cost of a new All-Electric Forklift or Port Cargo Handling Equipment, including charging infrastructure associated with such new All-Electric Forklift or Port Cargo Handling Equipment.

### **9. Light Duty Zero Emission Vehicle Supply Equipment**

Each Beneficiary may use up to fifteen percent (15%) of its allocation of Trust Funds on the costs necessary for, and directly connected to, the acquisition, installation, operation and maintenance of new light duty zero emission vehicle supply equipment for projects as specified below. Provided, however, that Trust Funds shall not be made available or used to purchase or rent real-estate, other capital costs (e.g., construction of buildings, parking facilities, etc.) or general maintenance (i.e., maintenance other than of the Supply Equipment).

- a. Light duty electric vehicle supply equipment includes Level 1, Level 2 or fast charging equipment (or analogous successor technologies) that is located in a public place, workplace, or multi-unit dwelling and is not consumer light duty electric vehicle supply equipment (i.e., not located at a private residential dwelling that is not a multi-unit dwelling).
- b. Light duty hydrogen fuel cell vehicle supply equipment includes hydrogen dispensing equipment capable of dispensing hydrogen at a pressure of 70 megapascals (MPa) (or analogous successor technologies) that is located in a public place.
- c. Subject to the 15% limitation above, each Beneficiary may draw funds from the Trust in the amount of:
  - Up to 100% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that will be available to the public at a Government Owned Property.
  - Up to 80% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that will be available to the public at a Non-Government Owned Property.
  - Up to 60% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that is available at a workplace but not to the general public.
  - Up to 60% of the cost to purchase, install and maintain eligible light duty electric vehicle supply equipment that is available at a multi-unit dwelling but not to the general public.
  - Up to 33% of the cost to purchase, install and maintain eligible light duty hydrogen fuel cell vehicle supply equipment capable of dispensing at least 250 kg/day that will be available to the public.
  - Up to 25% of the cost to purchase, install and maintain eligible light duty hydrogen fuel cell vehicle supply equipment capable of dispensing at least 100 kg/day that will be available to the public.

## **10. Diesel Emission Reduction Act (DERA) Option**

Beneficiaries may use Trust Funds for their non-federal voluntary match, pursuant to Title VII, Subtitle G, Section 793 of the DERA Program in the Energy Policy Act of 2005 (codified at 42 U.S.C. § 16133), or Section 792 (codified at 42 U.S.C. § 16132) in the case of Tribes, thereby allowing Beneficiaries to use such Trust Funds for actions not specifically enumerated in this Appendix D-2, but otherwise eligible under DERA pursuant to all DERA guidance documents available through the EPA. Trust Funds shall not be used to meet the non-federal mandatory cost share requirements, as defined in applicable DERA program guidance, of any DERA grant.

## Appendix C: List of changes to the draft plan

The following table lists all changes made to the draft form of the plan overview. Most comments are in the form of footnotes. Comment documents received during the comment period were useful in identifying plan items that needed clarification or correction. Other comments not addressed herein will be considered during implementation.

<b>Page</b>	<b>Change made</b>
<b>Title page</b>	<b>Removed the word draft, inserted the words plan overview</b>
3	Updated the Public Participation section to reflect events that have already taken place.
4	Added footnote 8
4	Included percentages in Table 1
5	Updated item 2 to include local governments and electric companies
6	Added footnote 16
9	Inserted clarification on dollar figure for Table 5
9	Updated footnote 18
16	Added footnote 21

## Appendix D: Comments received between 6/1/2018 and 7/2/2018

Seventeen comment documents were received during the comment period. All comments were reviewed, and responses were prepared by KDHE staff. All comments and responses were submitted to the third-party trust along with the plan.

Comment	Date submitted	Content	Response
1. Private citizen	6/1/2018	Offered favorable comments	Responded to comments, sent letter of acknowledgement
2. Private entity	6/12/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
3. Public entity	6/12/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
4. Private entity	6/18/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
5. Private entity	6/19/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
6. Private citizen	6/20/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
7. Private entity	6/27/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
8. Private entity	6/29/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
9. Private entity	6/29/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
10. Public entity	7/2/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
11. Private entity	7/2/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
12. Private entity	7/2/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
13. Private entity	7/2/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment

14. Private entity	7/2/2018	Offered comments that disagreed with major points of the plan	Responded to comments, sent letter of acknowledgment
15. Private entity	7/2/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
16. Public entity	7/2/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment
17. Private citizen	7/2/2018	Offered favorable comments, offered suggestions	Responded to comments, sent letter of acknowledgment