



## NTAA Fact Sheet

### For the Volkswagen Settlement



On October 2, 2017 (The Trust Effective Date, or TED), the United States District Court approved the final Mitigation Trust Agreements, completing the settlement with automaker Volkswagen AG (VW), to resolve allegations that VW violated the Clean Air Act (CAA) by selling diesel-engine cars that produced excess emissions of oxides of nitrogen (NOx). The Mitigation Trust Agreements are designed to reduce NOx emissions from other diesel engine vehicles, thereby mitigating the effects of the VW violations.

For more information, please see the NTAA's Volkswagen Settlement webpage: <http://www7.nau.edu/itep/main/ntaa/Resources/Volkswagen/>



**VW Settlement Trustee:** Wilmington Trust, N.A.

**Amount allocated to Tribes:** \$55 million

**Time frame:** Direct funding for tribes will be distributed over 6-10 years. For the first year of funding, applications for Eligible Mitigation Actions are due by 5 pm ET on January 2, 2018. Thereafter, applications are due by September 1 of each year (starting September 1, 2018). Any year in which the funds are oversubscribed will result in distributions based on a Tribe's census information. The amount of money allocated to Tribes each year will be in ration equal to the 6-year funding: Year one (2018) will allocate 1/6th, year two (2019), 1/5th, year 3 (2020); 1/4th, etc. If after the 6th year (2023) there are remaining funds, the funding will be available for 4 more years so Tribes can access any remaining funds.

**Technical Assistance Provider for Tribes:** Institute for Tribal Environmental Professionals (ITEP) was selected to offer technical assistance for Tribes. ITEP had 60 days from the TED to submit a plan and budget to offer Tribes technical assistance.

**Tribal Advisory Council (TAC):** ITEP will establish and organize a TAC to provide clear communication between Tribes and the Trustee to ensure a fair implementation of the Trust Agreement.



### **What Projects are Eligible?**

There are 9 Eligible Mitigation Actions, plus the DERA Option. The 9 categories are: Class 8 Large Trucks; Class 4-8 Buses; Freight Switchers; Ferries/Tugs; Ocean Going Vessels Shorepower; Class 4-7 Medium Trucks; Airport Ground Support Equipment; Forklifts; and Light Duty Zero Emission Vehicle Supply Equipment. For more details on these categories and the entire settlement, see Appendix D-2 of the Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries here: <http://www7.nau.edu/itep/main/ntaa/PDF/D2/>

### **DERA Option**

For all other diesel-related equipment, Tribes must apply first to the EPA's Diesel Emissions Reduction Act (DERA) Clean Diesel Grant Program. If selected for a grant award, the Tribe may not use Trust Funds for their non-federal match or overmatch requirement. EPA-approved DERA grants can be submitted to the trustee for matching funds. More information on using DERA can be found here:

(<https://www.epa.gov/cleandiesel/volkswagen-vw-settlement-dera-option>).



### **How Can Tribes Apply to Become Beneficiaries?**

All 567 federally-recognized Tribes can apply for beneficiary status. The forms will be posted on the trustee website within 30 days after the TED as well as on [www.ntaatribalair.org](http://www.ntaatribalair.org).

The following forms must be submitted by Tribes for funding:

- \* Appendix D3: Certification for Beneficiary Status to the U.S. District Court for the Northern District of California
- \* Appendix D4: Beneficiary Eligible Mitigation Action Certification to the Trustee with attachments including A-F.
- \* After projects are funded, Tribes must submit a report with an account of how the funds were used and must return unused funds to the trustee.

Within the first week of November, 2017, the trustee will provide Tribes with instructions on a website and file-sharing portal to submit all documents.



**For more information, contact NTAA at 928-523-0526, or**

**NTAA's website at [www.ntaatribalair.org](http://www.ntaatribalair.org)**