



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

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Bonnie Heiple
Commissioner

MassDEP VW Settlement Semiannual Report

January 1, 2023 – June 30, 2023

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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Massachusetts is a beneficiary under the Volkswagen (VW) *Environmental Mitigation Trust Agreement for State Beneficiaries* (VW Settlement). The Massachusetts Department of Environmental Protection (MassDEP) is the designated Lead Agency for Massachusetts under the VW Settlement and is responsible for, among other duties, developing the beneficiary mitigation plan (BMP) for Massachusetts, which describes how the Commonwealth will spend its funding allocation. The VW Settlement contains provisions requiring semiannual reporting:

5.3 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.

MassDEP submitted prior semiannual reports to the trustee, Wilmington Trust (WT), covering the periods of October 28, 2019, to December 31, 2019, January 1, 2020 to June 30, 2020, July 1, 2020 to December 31, 2020, January 1, 2021 to June 30, 2021, July 1, 2021 to December 31, 2021, January 1, 2022 to June 30, 2022, and July 1, 2022, to December 31, 2022. This eighth semiannual report covers the period of January 1, 2023 to June 30, 2023.

MassDEP issued a *Final Massachusetts Volkswagen Settlement Beneficiary Mitigation Plan* (BMP),¹ submitted to WT on December 10, 2018, and an *Amendment* to the BMP,² submitted to WT on December 17, 2019, which established plans for \$40,759,663.66 of the \$75,064,424.40 Massachusetts allocation of the VW Settlement. In April 2023, MassDEP issued a *Second Amendment* to the BMP to finalize plans for the remaining Massachusetts allocation.³ The current status of Massachusetts' VW implementation is summarized below.

¹ <https://www.mass.gov/doc/massachusetts-volkswagen-settlement-beneficiary-mitigation-plan-december-2018/download>

² <https://www.mass.gov/doc/amendment-to-massachusetts-volkswagen-settlement-beneficiary-mitigation-plan-december-2019/download>

³ <https://www.mass.gov/doc/amendment-to-massachusetts-volkswagen-settlement-beneficiary-mitigation-plan-april-2023/download>

Eligible Mitigation Action (EMA)	BMP Budget	Status
EMA 2: Electric transit buses	\$48,804,760.74 (plus investment earnings and unspent VW Open Solicitation or administrative funds)	D-4 form submitted to WT October 3, 2019 ⁴ reserved \$10,977,992 for electric transit buses, charging infrastructure, installation and administrative costs in connection with designated regional transit authorities. ⁵ D-4 form submitted to WT December 23, 2020 ⁶ increased the amount reserved for electric transit bus equipment and installation to \$22,000,000, plus reserved \$2,697,409.32 for EMA 2 projects under the VW Open Solicitation discussed below and \$3,660,624.02 for total EMA 2 administrative costs. The next D-4 submitted will incorporate the increased EMA 2 budget detailed in the April 2023 BMP Amendment. The following payments have been made: \$3.9 million to BYD Coach and Bus LLC for six electric transit buses for Martha’s Vineyard Transit Authority; \$3,882,804 to Proterra Inc. for four electric transit buses and six charging stations for Pioneer Valley Transit Authority (PVTA); \$168,678.83 to PVTA for charger installation; an additional \$7,176,851.76 for eight New Flyer transit buses and \$946,861.52 for four charging stations to PVTA, \$5,616,054 to Greater Attleboro Taunton Transit Authority for six Gillig transit buses and \$279,917 for six charging stations.
EMA 9: Light duty electric vehicle supply equipment (EVSE)	The maximum allowed 15%. (15% of the \$75,064,424.40 initial allocation is \$11,259,663.66; the final amount spent may be higher due to investment earnings on the balance of funds in the Trust, but not more than the allowed 15%.)	D-4 form submitted to WT August 28, 2019, reserved \$5,750,000 for EVSE, installation and administrative costs for three Massachusetts Electric Vehicle Incentive Program (MassEVIP) offerings detailed below. D-4 form submitted to WT February 21, 2020 ⁷ increased reserved amount to \$12,948,613.21 (\$11,259,663.66 for EVSE and installation and \$1,688,949.55 for administration) and liquidated a \$3,459,157.95 portion for estimated 2020 grants. D-4 form submitted to WT January 4, 2022 ⁸ liquidated a \$2,409,286.44 portion for estimated 2022 grants. D-4 form submitted to WT June 21, 2023 (approval pending) updated reserved amount to \$11,359,880.38 including investment earnings to date (\$11,336,462.88 for EVSE and installation and \$23,417.50 for administration) and liquidated a \$5,430,382.99 portion for remaining grants and administration. In the current reporting period, 9 grantees received \$296,444.67 for EVSE at 14 distinct locations. To date, 346 projects have received \$5,927,306.54 in funding. More detail on EMA 9 spending is provided below.

⁴ <https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2020-02/VW%20EMA02%20electric%20transit%20buses%20D-4%20CommishSigned%2010-3-2019%20%28web%29.pdf>

⁵ As indicated in the December 2018 BMP, p.4, “Trust Funds can be used for the actual administrative expenditures associated with implementing an eligible mitigation project, but not to exceed 15% of the total cost of such eligible mitigation project. The Commonwealth will review each mitigation project to determine the appropriate level of administrative expenditure and does not expect to use the entire 15% for this purpose.” The April 2023 BMP Amendment, p. 3, allocated “\$50,000 in administrative funds to disburse checks to grantees. The net of any additional needed or excess unspent disbursement check costs will come from or be directed to RTA electric transit buses and chargers.”

⁶ <https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2021-06/VW%20EMA2%20Appendix%20D-4%20revision%201%2012-22-2020%20MS%20signed.pdf>

⁷ <https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2020-03/VW%20MassEVIP%20D-4%20revision%201%202-20-2020%20MS%20signed%20%28web%29.pdf>

⁸ <https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2022-02/VW%20MassEVIP%20D-4%20revision%202%201-3-22%20MS%20signed-Web%20%282%29.pdf>

Eligible Mitigation Action (EMA)	BMP Budget	Status																																																																																																					
Open Solicitation: was open to any EMA except EMA 9 (EVSE) and EMA 10 (Diesel Emissions Reduction Act (DERA))	\$7,500,000	MassDEP has submitted D-4 forms for EMA 1, Large Trucks, ⁹ EMA 2, Buses, ¹⁰ EMA 4, Ferries/Tugs, ¹¹ EMA 5, Shorepower (approval pending), and EMA 6, Medium Trucks, ¹² to reserve funds for projects awarded under the Open Solicitation. More detail on Open Solicitation spending is provided below. The distribution of grant amounts across EMA categories is as follows (no grants were selected for EMA 3):																																																																																																					
		<table border="1"> <thead> <tr> <th colspan="2">EMA</th> <th colspan="3">As of December 20, 2019</th> <th colspan="3">As of June 30, 2023</th> </tr> <tr> <th></th> <th></th> <th># Grantees</th> <th># projects</th> <th>Planned Spending</th> <th># Grantees</th> <th># projects</th> <th>Planned Spending</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Large Trucks</td> <td>13</td> <td>32</td> <td>\$2,926,378.25</td> <td>12</td> <td>30</td> <td>\$2,867,954.29</td> </tr> <tr> <td rowspan="3">2</td> <td>School Bus</td> <td>4</td> <td>10</td> <td>\$1,499,905.32</td> <td>3</td> <td>4</td> <td>\$1,057,629.15</td> </tr> <tr> <td>Shuttle Bus</td> <td>2</td> <td>3</td> <td>\$697,504.00</td> <td>2</td> <td>3</td> <td>\$697,504.00</td> </tr> <tr> <td>Transit Bus</td> <td>1</td> <td>4</td> <td>\$500,000.00</td> <td>1</td> <td>4</td> <td>\$500,000.00</td> </tr> <tr> <td>4</td> <td>Ferries</td> <td>2</td> <td>3</td> <td>\$194,659.80</td> <td>2</td> <td>3</td> <td>\$191,778.75</td> </tr> <tr> <td>5</td> <td>Ocean Going Vessel Shorepower</td> <td>1</td> <td>1</td> <td>\$100,000.00</td> <td>1</td> <td>1</td> <td>\$100,000.00</td> </tr> <tr> <td>6</td> <td>Medium Trucks</td> <td>7</td> <td>8</td> <td>\$859,877.32</td> <td>8</td> <td>9</td> <td>\$813,254.88</td> </tr> <tr> <td rowspan="2">7</td> <td>Airport Ground Support Equipment (GSE) (replacing gasoline)</td> <td>1</td> <td>31</td> <td>\$440,930.31</td> <td>1</td> <td>31</td> <td>\$440,930.31</td> </tr> <tr> <td>Airport GSE (replacing diesel)</td> <td>1</td> <td>4</td> <td>\$169,140.00</td> <td>1</td> <td>3</td> <td>\$126,855.00</td> </tr> <tr> <td>8</td> <td>Cargo Handling Equipment</td> <td>1</td> <td>3</td> <td>\$111,605.00</td> <td>1</td> <td>3</td> <td>\$111,605.00</td> </tr> <tr> <td>Total</td> <td></td> <td>30</td> <td>99</td> <td>\$7,500,000.00</td> <td>27</td> <td>91</td> <td>\$6,907,511.38</td> </tr> </tbody> </table>	EMA		As of December 20, 2019			As of June 30, 2023					# Grantees	# projects	Planned Spending	# Grantees	# projects	Planned Spending	1	Large Trucks	13	32	\$2,926,378.25	12	30	\$2,867,954.29	2	School Bus	4	10	\$1,499,905.32	3	4	\$1,057,629.15	Shuttle Bus	2	3	\$697,504.00	2	3	\$697,504.00	Transit Bus	1	4	\$500,000.00	1	4	\$500,000.00	4	Ferries	2	3	\$194,659.80	2	3	\$191,778.75	5	Ocean Going Vessel Shorepower	1	1	\$100,000.00	1	1	\$100,000.00	6	Medium Trucks	7	8	\$859,877.32	8	9	\$813,254.88	7	Airport Ground Support Equipment (GSE) (replacing gasoline)	1	31	\$440,930.31	1	31	\$440,930.31	Airport GSE (replacing diesel)	1	4	\$169,140.00	1	3	\$126,855.00	8	Cargo Handling Equipment	1	3	\$111,605.00	1	3	\$111,605.00	Total		30	99	\$7,500,000.00	27	91	\$6,907,511.38
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Upcoming Electric Open Solicitation	\$7,500,000	The April 2023 BMP Amendment allocated \$7,500,000 for an upcoming electric vehicle and equipment Open Solicitation.																																																																																																					
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⁹ <https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2021-07/VW%20EMA1%20Appendix%20D-4%2012-22-2020%20MS%20signed%20%28web%29.pdf>

¹⁰ Ibid 6

¹¹ <https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2020-11/VW%20EMA4%20Appendix%20D-4%209-2-2020%20MS%20signed%20%28web%29.pdf>

¹² <https://www.vwenvironmentalmitigationtrust.com/sites/default/files/2021-06/VW%20EMA6%20Appendix%20D-4%2012-22-2020%20MS%20signed.pdf>

A number of grant programs were announced on January 18, 2019; see press release at <https://web.archive.org/web/20210515215603/https://www.mass.gov/news/baker-polito-administration-announces-grant-programs-to-reduce-vehicle-air-pollution-under-the>. These programs included three MassEVIP offerings totaling \$5 million under EMA 9 EVSE, and a \$7.5 million Open Solicitation open to all EMAs except EMA 9 (EVSE) and EMA 10 (DERA). On December 29, 2020 MassDEP announced \$4 million in enhancements to the three existing MassEVIP offerings and the addition of a fourth MassEVIP program for Direct Current Fast Charging (DCFC) EVSE; see press release at <https://web.archive.org/web/20230208061523/https://www.mass.gov/news/baker-polito-administration-announces-availability-of-additional-4-million-to-fund-electric-vehicle-charging-infrastructure>. In September 2021, MassDEP allocated the remaining \$2,259,663.66 of EMA 9 funds to MassEVIP. A matrix comparing details of the MassEVIP program features can be found at <https://www.mass.gov/doc/matrix-of-massevip-grant-programs/download>.

- The Open Solicitation was opened January 18, 2019, with a March 18, 2019 application deadline. Selected Grantees were announced on December 20, 2019.¹³ Some Grantees for this program have completed their projects, and some Grantees are in the process of implementing their projects. Grantees first receive an approval letter with contract forms to sign, then are sent an executed contract. The contracts between MassDEP and Grantees allow 18 months to complete projects. Due to the COVID-19 emergency, MassDEP has worked with Grantees to review and extend timelines as necessary. Application links and materials can be found at: <https://www.mass.gov/how-to/apply-for-a-vw-open-solicitation-grant>. See the following table for Open Solicitation project status through June 30, 2023.

¹³ Press release at <https://web.archive.org/web/20221112134915/https://www.mass.gov/news/baker-polito-administration-awards-75-million-in-grants-to-further-electrify-transportation-sector-and-reduce-air-pollution> and list of selected Grantees at <https://www.mass.gov/doc/list-of-volkswagen-settlement-open-solicitation-grant-recipients-december-2019/download>

Open Solicitation status through June 30, 2023

EMA		Planned as of December 20, 2019	Planned as of June 30, 2023*	Payments this Reporting Period	Payments through June 30, 2023	Remaining
1	Large Trucks	\$2,926,378.25	\$2,867,954.29	\$0	\$2,867,954.29	\$0
2	School Bus	\$1,499,905.32	\$1,057,629.15	\$0	\$1,057,629.15	\$0
	Shuttle Bus	\$697,504.00	\$697,504.00	\$0	\$0	\$697,504.00
	Transit Bus	\$500,000.00	\$500,000.00	\$0	\$500,000.00	\$0
4	Ferries	\$194,659.80	\$191,778.75	\$0	\$191,778.75	\$0
5	OGV Shorepower	\$100,000.00	\$100,000.00	\$0	\$0	\$100,000.00
6	Medium Trucks	\$859,877.32	\$813,254.88	\$0	\$813,254.88	\$0
7	Airport GSE (replacing gasoline)	\$440,930.31	\$440,930.31	\$0	\$0	\$440,930.31
	Airport GSE (replacing diesel)	\$169,140.00	126,855.00	\$0	\$0	\$126,855.00
8	CHE	\$111,605.00	111,605.00	\$0	\$0	\$111,605.00
	Total	\$7,500,000.00	\$6,907,511.38	\$0	\$5,430,617.07	\$1,476,894.31

*Completed projects that cost less than anticipated saved \$58,423.96 for EMA 1, \$25,312.64 for EMA 2, \$2,881.05 for EMA 4 and \$46,622.44 for EMA 6.

- MassEVIP: Public Access Charging (PAC):* The first round of \$2 million was opened January 18, 2019, with a March 18, 2019, application deadline. Selected Grantees were announced on November 20, 2019; see press release at <https://web.archive.org/web/20230112115658/https://www.mass.gov/news/baker-polito-administration-awards-2-million-in-grants-to-support-public-access-charging-for-electric-vehicles>. Some Grantees for this program have completed their projects, and some Grantees are in the process of implementing their projects. Grantees first receive an approval letter with contract forms to sign, then are sent an executed contract. The contracts between MassDEP and Grantees allow 6 months to complete projects at existing locations and 24 months at new construction sites. Due to the COVID-19 emergency, MassDEP has worked with Grantees to review and extend timelines as necessary. In addition to the \$2 million awarded in the first round, MassDEP allocated an additional \$1.5 million to reopen the PAC program on a rolling basis in December 2020. MassDEP allocated an additional \$1.5 million to the PAC program in September 2021. Application links and materials can be found at: <https://www.mass.gov/how-to/apply-for-massevip-public-access-charging-incentives>. See the following table for project status through June 30, 2023.

MassEVIP: PAC status through June 30, 2023	# of Projects	\$ Funding	# of Charging Ports
Projects with approvals issued but without executed contracts	4	\$95,738.00	12
Projects with both approvals and executed contracts	33	\$918,548.18	144
Completed projects	157	\$4,093,132.80	620
Total	194	\$5,107,418.98	776

- MassEVIP: Multi-unit Dwelling and Educational Campus (MUDC) charging:* The Multi-unit Dwelling (MUD) program was first opened on January 18, 2019 and expanded to include educational campuses on December 29, 2020. MassDEP has allocated \$1.5 million to the MUDC program and accepts applications on a rolling basis. Application links and materials can be found at <https://www.mass.gov/how-to/apply-for-massevip-multi-unit-dwelling-educational-campus-charging-incentives>. Some Grantees for this program have completed their projects, and some Grantees are in the process of implementing their projects. Grantees first receive an approval letter with contract forms to sign, then are sent an executed contract. The contracts between MassDEP and Grantees allow 6 months to complete projects at existing locations and 24 months at new construction sites. Due to the COVID-19 emergency, MassDEP has worked with Grantees to review and extend timelines as necessary. See the following table for project status through June 30, 2023.

MassEVIP: MUDC status through June 30, 2023	# of Projects	\$ Funding	# of Charging Ports
Projects with approvals issued but without executed contracts	0	\$0	0
Projects with both approvals and executed contracts	18	\$303,869.38	109
Completed projects	65	\$1,231,729.82	333
Total	83	\$1,535,599.20	442

- MassEVIP: Workplace and Fleet Charging (WPF):* The Workplace Charging (WPC) program was first opened on January 18, 2019 with \$1.5 million and was expanded to include charging stations for fleets on December 29, 2020 with an additional \$1 million. MassDEP allocated an additional \$759,663.66 to the WPF program in September 2021. It accepts applications on a rolling basis. Application links and materials can be found at <https://www.mass.gov/how-to/apply-for-massevip-workplace-fleet-charging-incentives>. Some Grantees for this program have completed their projects, and some Grantees are in the process of implementing their projects. Grantees first receive an approval letter with contract forms to sign, then are sent an executed contract. The contracts between MassDEP and Grantees allow 6 months to complete projects at existing locations and 24 months at new construction sites. Due to the COVID-19 emergency, MassDEP has worked with Grantees to review and extend timelines as necessary. See the following table for project status through June 30, 2023.

MassEVIP: WPF status through June 30, 2023	# of Projects	\$ Funding	# of Charging Ports
Projects with approvals issued but without executed contracts	2	\$61,491.80	6
Projects with both approvals and executed contracts	16	\$363,039.45	122
Completed Projects	193	\$2,813,656.86	1,064
Total	211	\$3,238,188.11	1,192

- MassEVIP: Direct Current Fast Charging (DCFC):* The Direct Current Fast Charging (DCFC) program opened as a competitive program on December 28, 2020 with a March 19, 2021 application deadline. Application links and materials can be found at: <https://www.mass.gov/how-to/apply-for-massevip-direct-current-fast-charging-incentives>. The program offered \$1.5 million from VW funds, but saw substantial interest and was expanded using non-VW funds. Selected Grantees were announced on February 3, 2022; see press release at <https://web.archive.org/web/20230111032353/https://www.mass.gov/news/baker-polito-administration-awards-over-13-million-for-electric-vehicle-fast-charging-stations-at-150-locations-across-the-commonwealth> and Grantees at <https://www.mass.gov/doc/massevip-direct-current-fast-charging-grant-awards-february-2022/download>. See the following table for project status through June 30, 2023.

MassEVIP: DCFC status through June 30, 2023	# of Projects	\$ Funding	# of Charging Ports
Projects with approvals issued but without executed contracts	0	\$0	0
Projects with both approvals and executed contracts	9	\$750,000.00	15
Completed projects	2	\$150,000.00	3
Projects that received approvals and/or executed contracts that were withdrawn	6	\$600,000	12
Total	17	\$1,500,000.00	30

MassEVIP Disbursements – January 1, 2023 through June 30, 2023

Date Disbursed	Grantee	Charging Station	Program	# of Stations	# of Ports	Amount
2/21/2023	Stephen J. Comtois II	113 Main Street Sturbridge	Rolling PAC	3	6	\$50,000.00
2/21/2023	Revolution Labs Owner LLC	1050 Waltham St Lexington	WPF	5	10	\$28,769.02
2/21/2023	Abbott Laboratories	4 Robbins Road Westford	WPF	2	4	\$8,949.60
2/21/2023	Town of Canton	79 Pleasant St Canton	Rolling PAC	4	8	\$37,095.00
2/21/2023	Town of Canton	92 Pleasant St Canton	Rolling PAC	4	8	\$37,095.00
2/21/2023	Worcester Polytechnic Institute	27 Boynton Street Worcester	MUDC	2	4	\$17,781.84
2/21/2023	Town of Auburn	104 Central Street Auburn	Rolling PAC	1	2	\$22,375.41
2/21/2023	869 Centre Street LLC	Arborway Terrace Jamaica Plain	MUDC	1	2	\$6,782.90
2/21/2023	Anthemion Senior Lifestyles, LLC	555 Cordwainer Dr. Norwell	WPF	1	2	\$11,115.90
2/21/2023	Reading Municipal Light Division	32 Lincoln Street Reading	Rolling PAC	1	2	\$10,930.00
2/21/2023	Reading Municipal Light Division	64 Middlesex Ave Reading	Rolling PAC	1	2	\$15,930.00
2/21/2023	Reading Municipal Light Division	580 Main St Reading	Rolling PAC	1	2	\$26,760.00
2/21/2023	Reading Municipal Light Division	174 Middlesex Ave Wilmington	Rolling PAC	1	2	\$11,430.00
2/21/2023	Reading Municipal Light Division	121 Glen Road Wilmington	Rolling PAC	1	2	\$11,430.00
Total disbursed 1/1/2023 through 6/30/2023			14 projects	28	56	\$296,444.67
Cumulative total disbursed through 6/30/2023			346 projects	891	1714	\$5,927,306.54

Note: all charging stations in the table above are Level 2 (240-volt)

In accordance with Section 5.3 of the Volkswagen *Environmental Mitigation Trust Agreement for State Beneficiaries*, I attest that the information contained in this report is true and correct and that this submission is made under penalty of perjury.

Signature: 
 MassDEP Commissioner Bonnie Heiple

Date: 8/7/23