

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary Colorado

Lead Agency Authorized to Act on Behalf of the Beneficiary Colorado Department Of Public Health & Environment
(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)

Action Title:	#2 Alt Fuels Class 8 Heavy Duty Trucks
Beneficiary's Project ID:	Alt Fuels 9U18AD
Funding Request No.	<i>(sequential)</i> 2
Request Type: (select one or more)	<input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>EMA #1, Class 8 Local Freight Trucks (Large Trucks)</u>
Action Type	<input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1): See attached	
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): See attached	
Estimate of Anticipated NOx Reductions (5.2.3): See attached	
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): See attached	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). See attached	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). See attached	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). 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.]

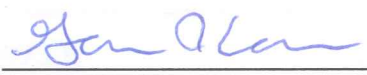
CERTIFICATIONS

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

1. This application is submitted on behalf of Beneficiary Colorado, 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: 2/27/2020



Garry Kaufman
Director, Air Pollution Control Division
Colorado Department of Public Health & Environment

[LEAD AGENCY]

for
Colorado

[BENEFICIARY]

Summary

Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):
The state of Colorado's Beneficiary Mitigation Plan (BMP) describes how funding will be provided for eligible projects to reduce NOx emissions. As outlined in the BMP, The ALT Fuel Vehicle Replacement Program will distribute funding for several Eligible Mitigation Actions (EMA's) including EMA 1, 2, 3, 6, 7, and 8. The Colorado BMP has allocated \$21.5 million to these EMA's. This D-4 funding request is for EMA #1, Class 8 Local Freight Trucks (Large Trucks).
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):
To help improve air quality and to encourage switching to cleaner fueled vehicles across the state, this mitigation action will replace eight diesel Class 8 refuse trucks with eight Class 8 RNG refuse trucks and 4 diesel Class 8 local delivery trucks with 4 Class 8 electric local delivery trucks. The Regional Air Quality Council (RAQC) will implement this EMA under a contract with Colorado Department of Public Health and Environment (CDPHE), in partnership with the Colorado Energy Office (CEO) and the Colorado Department of Transportation (CDOT). The eligibility requirements for Class 8 Local Freight Trucks (Large trucks) under the Alternative Fuel Vehicle Replacement Program are detailed in the BMP on pages 10-13. These new alternatively fueled trucks will help reduce NOx emissions and greenhouse gases associated with the pre-2009 diesel trucks that will be scrapped. Emission reductions from this D4 submission for the replacement of eight Class 8 refuse trucks and four Class 8 electric local delivery trucks are estimated to be: NOx (0.04 tons/yr) and GHG (92.33 tons/yr).
Estimate of Anticipated NOx Reductions (5.2.3):
The estimated emissions benefits from the replacement of eight Class 8 refuse trucks and four Class 8 local delivery trucks will reduce NOx emissions by 0.04 tons/yr. The estimates were prepared using the Greenhouse gases, Regulated Emissions, and Energy use in Transportation (GREET) model.
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):
The Colorado Department of Public Health & Environment.
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). :
The Colorado Department of Public Health and Environment (CDPHE) has created a public website for information related to the Volkswagen settlement, which can be accessed at: https://www.colorado.gov/cdphe/VW . The website contains a description of the Trust Agreement, information about the public process for Colorado's implementation plan, Colorado's original Beneficiary Mitigation Plan (BMP) and the revised BMP, and links to Trust documents. As Colorado prepares and submits the semiannual reports required by paragraph 5.3 of the Trust Agreement, CDPHE will either post documents to its website or maintain a link to other public-facing website that provide the documentation. Colorado follows the Colorado Open Records Act, §§ 24-72-200 et seq., C.R.S., (CORA), which governs the public disclosure of records held by Colorado state agencies. CORA requires the custodian to deny inspection of several categories of public records, including for

certain confidential business information and personally identifiable information. Specifically, § 24-72-204 (3)(a)(IV), C.R.S. provides:

The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; ... Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data, including a social security number unless disclosure of the number is required, permitted, or authorized by state or federal law, furnished by or obtained from any person....

Any additional information not posted on the CDPHE website will be released pursuant to CORA.

The CDPHE website will be maintained and updated until the Trust's Termination Date or the date required by the Colorado Open Records Act or other applicable law, whichever is later. Records or documents may also be requested by emailing the CDPHE comments line at cdphe.commentsapcd@state.co.us

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

The Alternative Fuel Vehicle Replacement Program will provide incentive levels for public and private Class 8 Local Delivery Trucks (large trucks). The program will fund 110% of the incremental cost between a comparable new diesel vehicle and the new electric or RNG vehicle. Funding for vehicles owned by private fleets shall not exceed 25% of the total new RNG vehicle price or 75% of the total new electric vehicle price. There are no funding caps for public fleets.

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

On February 27, 2018 the Colorado Department of Public Health and Environment provided notice of availability of funds via email to Federal Agencies pursuant to Section 4.2.8 of the Trust Agreement.

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). :

This program will mitigate impacts of NOx emissions by replacing higher polluting Class 8 Local Freight Trucks (large trucks) with cleaner fueled Class 8 RNG and electric trucks in areas that have historically borne a disproportionate share of air pollution.

Attachment B

Project Management Plan

Project Schedule and Milestones – Alternative Fuel Vehicle Replacement Program

Milestone	Date
AFC request for application announcement	October 7, 2019
Solicitation for applications project round closes	November 8, 2019
Technical Advisory Committee application review	December 10, 2019
Project contractor announced awards funding to eligible entities	January 2020
Awardees attend mandatory training meeting	CY 2019 – 2020
Project partners enters into Contract / Purchase Order with sub awardee (this includes scrappage information). Vehicles must be ordered within 6 months.	CY 2020 – 2022 2 times per year
Vehicles delivered and awardee shows proof of full payment. Awardee submits reimbursement paperwork. RAQC reimburses within 90 days	Monthly starting 2020 – December 2020
Project partner submitted invoicing, emission reductions estimates to CDPHE for filing of D4 and reimbursement.	February 2020
Trust acknowledges receipt of Direction for Payment and reimbursement	Within 60 days of D4 submittal
CDPHE directs funding to project partners and project partners reimburse sub awardee	Monthly starting February 2020 – December 2020
CDPHE reports to Trust on status of projects every six months after first disbursement of funds; semiannual reporting.	January 30 and July 30 after first disbursement of funds.

PROJECT BUDGET

Period of Performance: 2019 - 2020				
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust for vehicle and associated chargers	Cost-Share, if applicable (Entity #1) for vehicle	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$4,214,160.00	\$1,580,000.00	\$2,634,160.00	\$
4. Administrative ¹	\$176,285.80	\$176,285.80	\$0	\$
Project Totals	\$4,390,445.80	\$1,756,285.80	\$2,634,160.00	\$
Percentage	100%	40%	60%	\$

¹ Subject to Appendix D-2 15% administrative cap.

PROJECTED TRUST ALLOCATIONS:

	2020
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$1,756,285.80
2. Anticipated Annual Cost Share	\$2,634,160.00
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$4,390,445.80
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$1,826,483.80
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$1,756,285.80
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$3,582,769.60
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$66,913,434.53
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$63,330,664.93

Attachment C

Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11):

The Colorado Department of Public Health and Environment (CDPHE) will work with the RAQC (Regional Air Quality Council) to report on the implementation and progress of the Alternative Fuel Vehicle Replacement Program in the state of Colorado. CDPHE has developed a specific webpage that will provide information on the application process and status of eligible mitigation actions under the VW Environmental Mitigation Trust Fund. Awarded projects will be posted as well as information on emission reductions based upon awarded projects. Vehicle usage data will be collected two times a year for five years and made available upon request. CDPHE will submit reports every six months to meet the semiannual reporting requirements under 5.3 of the Trust agreement.

Attachment D

Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6).

For the replacement of eight Class 8 RNG refuse trucks, and four Class 8 electric local delivery trucks the following cost estimate were provided:

Vehicle Profile: CNG Refuse (Preferred)

Vehicle Type	Waste Collection (DFEL)
Vendor Name	Autocar
Preferred or Competitive Quote	Preferred
Fuel Type	CNG (operates on RNG)
Make	Autocar
Model	ACX64
Year	2020
Fuel Tank Capacity	75 DGE
GVWR	66,000 lbs.
Total Vehicle Cost (no tax/freight)	\$312,476.25

Vehicle Profile: CNG Refuse (Competitive)

Vehicle Type	Waste Collection (DFEL)
Vendor Name	Rush Enterprises
Preferred or Competitive Quote	Competitive
Fuel Type	CNG (operates on RNG)
Make	Peterbilt
Model	520
Year	2020
Fuel Tank Capacity	75 DGE
GVWR	66,000 lbs.
Total Vehicle Cost (no tax/freight)	\$302,635.25

Vehicle Profile: Battery Electric Class 8 Local Delivery*

Vehicle Type	Class 8 Tractor
Vendor Name	BYD Motors LLC
Preferred or Competitive Quote	Preferred
Fuel Type	Battery Electric
Make	BYD
Model	8TT Class 8 Day Cab

Year	2020
Fuel Tank Capacity	409 kWh
GVWR	105,000 lbs.
Total Vehicle Cost (no tax/freight)	\$420,000

*Award recipient of the Class 8 electric local delivery trucks was only able to provide one quote, due to the limited availability of Class 8 Electric Local Delivery trucks (large trucks) that met their operational needs.