

**Red Hook Terminals - Electric Yard Tractors**

**APPENDIX D-4**

**Beneficiary Eligible Mitigation Action Certification**

## BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

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Beneficiary State of New Jersey

Lead Agency Authorized to Act on Behalf of the Beneficiary New Jersey Department of Environmental Protection  
*(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)*

<b>Action Title:</b>	Red Hook - Electric Yard Tractors
<b>Beneficiary's Project ID:</b>	2019VW-003
<b>Funding Request No.</b>	<i>(sequential)</i> 3
<b>Request Type: (select one or more)</b>	<input type="checkbox"/> Reimbursement <span style="float: right;"><input checked="" type="checkbox"/> Advance</span> <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to: (select one or more)</b>	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

### SUMMARY

<b>Eligible Mitigation Action</b>	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>Mitigation Action 8 - Forklifts and Port Cargo Handling Equipment</u> <input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
<b>Action Type</b>	
<b>Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):</b>	Electrification is a priority for the Governor as stated in New Jersey's BMP.
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b>	Red Hook Terminals will replace 10 diesel yard tractors with 10 fully electric yard tractors at Port Newark. Port Newark operations disproportionately impact residents in Elizabeth, Newark, Bayonne, and Jersey City.
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b>	Annual NOx benefits are projected to be 22 tons per year.
<b>Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):</b>	New Jersey Department of Environmental Protection Federal Funds Unit
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b>	<b>See summary supplement</b>
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b>	Red Hook Terminals will receive approximately 75% of the cost from VW funds and will cost share the remainder. VW funds for this project will not exceed \$2,467,000.
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b>	NJDEP, the lead agency notified U.S. Government Agencies as prescribed in 5.2.9 via email on February 14, 2018.

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 summary supplement

**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.]

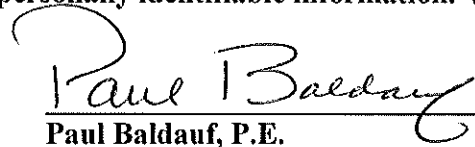
**CERTIFICATIONS**

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

1. This application is submitted on behalf of Beneficiary State of New Jersey, 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: 7/2/19

  
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Paul Baldauf, P.E.  
Assistant Commissioner

New Jersey Department of Environmental Protection

\_\_\_\_\_  
[LEAD AGENCY]

for

State of New Jersey

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[BENEFICIARY]

## SUMMARY SUPPLEMENT TO APPENDIX D-4

### Action Title: Red Hook Terminals – Electric Yard Tractors

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

The State of New Jersey will make all documentation submitted in support of the funding request and all records supporting all expenditures of Eligible Mitigation Action funds available to the public in the following ways, subject to applicable laws governing the publication of confidential business information and personally identifiable information:

- Members of the public will be able to access documentation and records submitted in support of each funding request and supporting all expenditures of Trust Funds by New Jersey pursuant to the Volkswagen Diesel Emissions Environmental Mitigation Trust for State Beneficiaries by using an Online Request Form found at <http://www.nj.gov/dep/opra/index.html> or by contacting:

NJDEP Office of the Records Custodian  
P.O. Box 442  
401 East State Street  
Trenton, NJ 08625-0442 Phone: 609-341-3121  
E-mail: [records.custodian@dep.nj.gov](mailto:records.custodian@dep.nj.gov)

- Documentation and records submitted in support of each funding request and supporting all expenditures of Trust Funds by New Jersey pursuant to the Volkswagen Diesel Emissions Environmental Mitigation Trust for State Beneficiaries are subject to all applicable laws governing the publication of confidential business information and personally identifiable information. The primary law governing the release of public information is New Jersey's Open Public Records Act, N.J.S.A. 47: 1A-1 to 13 (OPRA). Confidential business information and certain private personal information, as defined by statute and regulation, are exempt from disclosure under OPRA. See, N.J.S.A. 47: 1A-1. I, N.J.A.C. 7:1D-3.2. OPRA specifically obligates a public agency to protect a citizen's personal information that is in the possession of a public agency when disclosure of that information would violate the citizen's reasonable expectation of privacy. N.J.S.A. 47: 1A-1. Other applicable laws include the New Jersey Court Rules, which govern disclosure of confidential business information and personally identifiable information in civil disputes, and the common law right of access to public records. Under New Jersey common law, public records containing confidential business information or personally identifiable information will remain confidential unless a requestor can demonstrate a legally recognized interest in the material, and that the individual's right of access outweighs the State's interest in preventing disclosure.
- A publicly facing webpage was established as New Jersey signed on to the

Volkswagen Settlement as a Beneficiary to educate its residents about the Partial Consent Decrees and Environmental Mitigation Trust, including the steps NJ plans to take beginning with public listening sessions and the Beneficiary Mitigation Plan. All solicited proposals received for mitigation action items 1 – 9 and the DERA option are publicized. Also available is a summary of the number of proposals and total funding requested, organized by mitigation action number. The webpage contains links to additional resources, frequently asked questions about NJ and the Settlement, and how to join an e-mail list to receive notifications and information about VW. Progress reports and final costs of projects funded with VW Trust money will be posted for the public as well. The webpage address is [www.state.nj.us/dep/vw/](http://www.state.nj.us/dep/vw/).

**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)**

New Jersey's Beneficiary Mitigation Plan (the Plan), states that the primary goal of the Plan is to improve ambient air quality by using the Trust allocation to implement projects that reduce NOx, benefit disproportionately affected communities, and expedite deployment and widespread adoption of zero emission vehicles. The Plan reinforces New Jersey's commitment to reducing harmful transportation emissions in communities that suffer disproportionate impacts from air pollution. Low income communities and communities of color have been historically overburdened by harmful emissions and their attendant health impacts. Transportation is the largest source of NOx in New Jersey, accounting for 71% of NJ's statewide NOx emissions in 2017. Thus, promoting the use of zero emission vehicles is a key component of NJ's efforts to mitigate NOx emissions.

Red Hook Terminals is a terminal operator with two facilities in the Port of NY/NJ. The electric yard tractors funded with VW will operate in Port Newark. The electric yard tractors will replace diesel tractors that are 16 years old. Emission benefits from this project will benefit the cities of Elizabeth, Newark, Bayonne, and Jersey City which have densely populated residential neighborhoods. This project provides relief from excess NOx reductions as well as PM and greenhouse gas reductions.

**ATTACHMENT B TO APPENDIX D-4**

**Action Title: Red Hook Terminals – Electric Yard Tractors**

**Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline. (5.2.4)**

**Implementation and Expenditures Timeline**

<b>MILESTONE</b>	<b>DATE</b>
Submit Beneficiary Mitigation Plan to the Trustee	December 13, 2018
NJDEP eligible to making funding request	January 14, 2019
Submit funding request to the Trustee	July 2019
Draft grant agreement	September 2019
Place order for tractors/chargers	October 2019
Electric charging infrastructure installation	January 2020
Delivery of the tractors	June/July 2020
Submit semiannual reports to the Trustee in accordance with section 5.3 of the Consent Decree	No later than 6 months after receiving first disbursement, and thereafter no later than January 1st and July 1st of each year.

**Project Budget**

<b>Budget Category</b>	<b>Total Approved Budget</b>	<b>Share of Total Budget to be funded by the Trust</b>	<b>Estimated Cost Chare</b>
Subrecipient Support. Eligible costs include equipment purchase, installation and administrative costs.	\$3,290,000	\$2,467,000	\$823,000

## ATTACHMENT C TO APPENDIX D-4

### Action Title: Red Hook Terminals – Electric Yard Tractors

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

The New Jersey Department of Environmental Protection will meet the requirements of Appendix D to the Partial Consent Decree, section 5.3:

***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 1 and July 1 of each year, each Beneficiary shall serve upon the Trustee, a semiannual report describing the progress implementing each Eligible Mitigation Action during the six-month period leading up to the reporting date (including a summary of all costs expended on the Eligible Mitigation Action through the reporting date). Such reports shall include a complete description of the status (including actual or projected termination date), development, implementation, and any modification of each approved Eligible Mitigation Action. Beneficiaries may group multiple Eligible Mitigation Actions and multiple sub-beneficiaries into a single report. These reports shall be signed by an official with the authority to submit the report for the Beneficiary and must contain an attestation that the information is true and correct and that the submission is made under penalty of perjury. To the extent a Beneficiary avails itself of the DERA Option described in Appendix D-2, that Beneficiary may submit its DERA Quarterly Programmatic Reports in satisfaction of its obligations under this subparagraph as to those Eligible Mitigation Actions funded through the DERA Option. The Trustee shall post each semiannual report on the Trust's public-facing website upon receipt.*

The Department will post all its semiannual reports to the Trustee on the public-facing website for New Jersey's Volkswagen Settlement at [www.state.nj.us/dep/vw](http://www.state.nj.us/dep/vw).



**ATTACHMENT D TO APPENDIX D-4**

**Action Title: Red Hook Terminals – Electric Yard Tractors**

**Detailed Cost Estimates from Selected or Potential Vendors for Each Proposed Expenditure Exceeding \$25,000 (5.2.6)**

Red Hook Terminals will purchase 10-yard tractors from BYD, which is now a supplier located in New Jersey. Red Hook will also install 10 electric charging stations. State procurement processes will be followed. Cost estimates from the selected vendor will be part of the Grant Agreement with the Department. Preliminary cost estimates are provided in the table below.

Category	# of units	Cost range per unit	Total cost range
Estimated electric yard tractor costs	10	\$300,000-\$350,000	\$3,000,000-\$3,500,000
Estimated electric chargers	10	\$6,000-\$10,000	\$60,000-\$100,000
		<b>Total cost range</b>	<b>\$3,060,000-\$3,600,000</b>
		<b>Total Budget</b>	<b>\$3,290,000</b>