

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

State of New York
New York State Department of Environmental Conservation -
New York State Energy Research & Development Authority
Cooperative Agreement #CA11863
Eligible Mitigation Action Item 9:
Level 2 Light Duty Zero Emission Vehicle Supply Equipment (EVSE)
Advance Funding Request #8

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary State of New York

Lead Agency Authorized to Act on Behalf of the Beneficiary: New York State Department of Environmental Conservation (NYSDEC)

(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:	NYSERDA: Level 2 Light Duty Zero Emission Vehicle Supply Equipment
Beneficiary's Project ID:	CA11863.MIA9
Funding Request No.	<i>(sequential)</i> 8
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input type="checkbox"/> Beneficiary <input checked="" type="checkbox"/> Other (specify): <u>New York State Energy Research & Development Authority</u>
Funding Request & Direction (Attachment A)	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

<p>Eligible Mitigation Action Type Appendix D-2, Eligible Mitigation Action 9. Level 2 Light Duty Zero Emission Vehicle Supply Equipment (EVSE). This funding request directs VW Trust funding to NYSERDA to support Level 2 light duty (EVSE).</p>
<p>Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1): VW funding directed to NYSERDA to support Charge Ready NY Level 2 light duty EVSE projects. NY intends to install Level 2 light duty vehicle charging infrastructure to support the usage and adoption of electric vehicle usage throughout New York State as stated in New York's Beneficiary Mitigation Plan (BMP). Up to \$19.2 million of New York's allocation from the VW Mitigation Trust has been proposed for EMA 9: Light Duty Zero Emission Vehicle Supply Equipment. See: https://www.dec.ny.gov/docs/air_pdf/vwcleantransportplan19.pdf (pp. 1, 16, and 22.)</p>
<p>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): Level 2 EVSE incentive funding will support the usage and adoption of light duty zero emission vehicles that operate throughout New York including Potential Environmental Justice Areas. Increased light duty zero emission vehicle usage will displace light duty conventional gasoline vehicle usage and associated exhaust emissions. Light duty zero emission vehicles will decrease nitrogen oxides (NOx) emissions and improve local air quality.</p>

Estimate of Anticipated NOx Reductions (5.2.3): The projected NOx emissions reductions over 10 years through this funding of EVSE is estimated to be 32 tons. The NOx reductions will be made possible by enabling an increased usage of light duty zero emission vehicles to displace an equal amount of light duty conventional gasoline and diesel vehicle miles travelled.

In addition, greenhouse gases, carbon monoxide (CO), particulate matter (PM), and volatile organic carbon (VOC) will be reduced from this EVSE project. Final NOx emission reductions will be calculated based on projects completed under this mitigation action.

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):

New York State Energy Research & Development Authority

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

New York State submitted an Appendix D-3, Certification for Beneficiary Status Under Environmental Trust Agreement, on November 1, 2017, in which the State of New York (NYS) agreed to maintain and make publicly available all documentation and records:

- (i) submitted by it in support of each funding request; and
- (ii) supporting all expenditures of the Trust Fund by the State of New York, each until the Termination Date of the Trust pursuant to Paragraph 6.8 of the Trust Agreement. These records will be made accessible to the public through the lead agency, New York State Department of Environmental Conservation (NYSDEC), website at: <http://www.dec.ny.gov/chemical/109784.html>

Documentation will be available to the public in an easy to access, publicly available webpage. Links to the documents will be contained in a table developed by the NYSDEC utilizing Appendix D-2 eligible mitigation action categories in chronological order based on DEC submission date to the Trustee. All expenditures made by the Trustee to designated NYS recipients will be formatted in a similar manner. DEC will update the webpage within 10 days of a funding request made to the Trustee, or receipt of a Trustee payment. All necessary or publicly available records associated with DEC funding requests and Trustee payments will be provided in adobe PDF format or equivalent as determined by the DEC website administrator.

The DEC website will make these records available to the public through a link on the NYSDEC main webpage. The NYSDEC VW Settlement site can also be easily located through a search engine result of entering "NYSDEC VW Settlement."

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

VW funding, provided through NYSERDA's Charge Ready NY program, will fund an eligible portion of Level 2 light duty EVSE equipment and installation costs, consistent with Appendix D-2 Mitigation Action Item #9 "Up to" funding percentages. Generally, the Charge Ready NY Level 2 EVSE incentive is \$4,000, but documented costs will be reviewed to ensure compliance with Appendix D-2. An additional bonus may also be provided for Charge Ready NY Level 2 EVSE located within DEC identified Potential Environmental Justice Areas. Again, documented costs will be reviewed to ensure compliance with Appendix D-2 eligibility. Any outstanding balance of eligible Level 2 EVSE costs after the NYSERDA incentive will be provided by the EVSE owner or site sponsor.

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

NYSDEC (lead agency) notified the U.S. Government agencies as prescribed in 5.2.9 via email on February 9, 2018. See attached Notice of Availability of Mitigation Action Funds.

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 York State's Beneficiary Mitigation Plan, Clean Transportation NY, describes the overall goals of improving air quality and accelerating the transition to zero emission transportation through funding made available under the Volkswagen Trust. These air quality improvement goals include reducing NOx, greenhouse gases, PM, hydrocarbon, and mobile source air toxics emissions throughout the state. Funding those projects described in the Plan will result in significant NOx reductions while accelerating the transformation to a zero-tailpipe emission transportation system. Projects will be located throughout New York State, with a particular focus on communities and neighborhoods subject to a disproportionate amount of air pollution from diesel-powered vehicles and equipment. NYSERDA will conduct targeted outreach and additional funding incentives to increase the number of EVSE charging infrastructure located in and near DEC defined Potential Environmental Justice Areas. Project reporting will include the amount of awarded incentives for EVSE charging infrastructure located in these communities.

This light duty EVSE charging infrastructure project will lower NOx emissions and improve local air quality by supporting the adoption and expansion of light duty electric vehicles that operate throughout New York and often operate in communities that have historically borne a disproportional share of the adverse impact of exhaust emissions.

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 York, 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: July 22, 2020



Steven E. Flint, P.E.
Division Director, Division of Air Resources

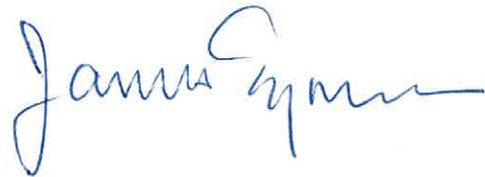
New York State Department of Environmental Conservation

[LEAD AGENCY]

for

State of New York

[BENEFICIARY]



ATTACHMENTS B, C, D TO APPENDIX D-4

ATTACHMENT B TO APPENDIX D-4

Action Title: NYSERDA Charge Ready NY – Light Duty EVSE

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

Implementation and Expenditures Milestones and Timeline

Milestone	Date
DEC and NYSERDA sign Cooperative Agreement for VW Funding for light duty EVSE projects	07/08/2020
DEC provides NYSERDA with "Notice to Proceed"	07/17/2020
NYSERDA provides DEC with Project Budget Plan as required in Cooperative Agreement	CY 2020, Q3 (est)
DEC submits Project Certification and Funding Direction to Trustee for 100% of Advance Funding available under this Cooperative Agreement	CY 2020, Q3 (est)
Trustee Acknowledges Receipt of Project Certification and Funding Direction	CY 2020, Q3 (est)
Trustee allocates Advance Funding to NYSERDA	CY 2020, Q3 (est)
NYSERDA posts information and application material on NYSERDA Charge Ready NY website; NYSERDA provides outreach efforts to notify stakeholders of availability of funds	CY 2020, Q3 (est)
Review of submitted applications begins	CY 2020, Q4 (est)
Initial notification of approved voucher applicants begins	CY 2020, Q4 (est)
Formal approval of approved voucher applicants begins	CY 2020, Q4 (est)
End of Incentive Period (unless modified)	CY 2023, Q3 (est)
NYSERDA provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to DEC to support final project accounting	CY 2023, Q3 (est)
NYSERDA returns any unused funds to Trustee	CY 2023, Q4 (est)
NYSERDA certifies project completion	CY 2028, Q3 (est)
DEC reports project completion	CY 2028, Q3 (est)

Project Budget

(Mitigation Action Item #9) – Light Duty Zero Emission Vehicle Supply Equipment

Item #1 Incentive Costs: \$5,000,000

Item #1 Administrative Costs (Capped at 10%): \$500,000

Funding Method: Advance

Procurement Method: Voucher Incentive

DEC will direct VW Settlement funding to the NYSERDA Charge Ready NY program in one payment.

Total Project Budget

Project	EVSE Funding Amount	Administrative Costs	Total Project Cost
EMA 9: Light-Duty Level 2 EVSE	\$5,000,000	\$500,000	\$5,500,000

ATTACHMENT C to APPENDIX D-4

Action Title: NYSERDA Charge Ready NY – Light Duty EVSE

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

New York State Department of Environmental Conservation 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.

DEC will post its semiannual reports made to the Trustee on the public-facing website for New York's Volkswagen Settlement at <https://www.dec.ny.gov/chemical/109784.html>.

PROJECTED TRUST ALLOCATIONS: New York State

Project Name	Funding Request #	EMA #	Cooperative Agreement # *	Cumulative Approved Funding Requests	2020 Pending Funding Requests Undergoing WT Review	2020 Anticipated Additional Funding Requests	2021 Anticipated Funding Requests	2022 Anticipated Funding Requests	Total Project Allocations
NYSERDA Class 8 Trucks	1	1	CA11434	\$ 1,320,000.00			\$ 1,320,000.00	\$ 1,320,000.00	\$ 3,960,000.00
NYSERDA Class 4-7 Trucks	2	6	CA11434	\$ 1,760,000.00			\$ 1,760,000.00	\$ 1,760,000.00	\$ 5,280,000.00
NYSERDA Transit Buses	3	2	CA11725	\$ 6,116,000.00		\$ 25,000,000.00	\$ 5,232,000.00		\$ 36,348,000.00
NVCDOT Clean Truck Class 4-7	4	6	CA11728	\$ 1,358,500.00			\$ 1,358,500.00	\$ 1,358,500.00	\$ 4,075,500.00
NVCDOT Clean Truck Class 8	5	1	CA11728	\$ 1,925,000.00			\$ 1,925,000.00	\$ 1,925,000.00	\$ 5,775,000.00
NWPA Transit Bus EVSE	6	2	CA11699		\$ 2,000,000.00		\$ 2,000,000.00	\$ 2,000,000.00	\$ 6,000,000.00
NYSERDA DCFC EVSE	7	9	CA11943		\$ 6,050,000.00		\$ 6,050,000.00		\$ 12,100,000.00
NYSERDA Charge Ready NY- Light Duty EVSE	8	9	CA11863		\$ 5,500,000.00				\$ 5,500,000.00
NYSERDA School Bus		2	CA11813			\$ 4,400,000.00	\$ 4,400,000.00	\$ 4,400,000.00	\$ 13,200,000.00
Totals				\$ 12,479,500.00	\$ 13,550,000.00	\$ 29,400,000.00	\$ 24,045,500.00	\$ 12,763,500.00	\$ 92,238,500.00
Total Available New York VW Funding (with no accumulated interest added)				Balance After Approved Funding Requests	Balance After Pending Funding Requests	Balance After 2020 Anticipated Additional Funding Requests	Balance After 2021 Anticipated Funding Requests	Balance After 2022 Anticipated Funding Requests	Total Remaining Balance not Allocated
				\$ 115,222,307.00	\$ 101,672,307.00	\$ 72,272,307.00	\$ 48,226,807.00	\$ 35,463,307.00	\$ 35,463,307.00
				Remaining Balance of Available New York VW Trust after:					
				\$ 127,701,807.00	\$ 115,222,307.00	\$ 101,672,307.00	\$ 72,272,307.00	\$ 48,226,807.00	\$ 35,463,307.00
				Check Sum					\$ 127,701,807.00

* Additional Cooperative Agreements for VW funded projects are under development

ATTACHMENT D to APPENDIX D-4

Action Title: NYSERDA Charge Ready NY – Light Duty EVSE

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

DEC will direct VW Trust funding to the NYSERDA Charge Read program in the form of advance payments for light duty vehicle EVSE charging infrastructure project incentives. Cost estimates from selected EVSE vendors will be part of the NYSERDA Charge Ready NY program. Preliminary cost estimates for light duty EVSE are provided in the table below.

Preliminary Light Duty EVSE Cost Estimates

Light Duty EVSE	Number of Units	Cost Range per Unit	Total Cost
Level 2	1,000 – 1,100	Est \$4,500 - \$5,000	\$5,000,000