

July 28, 2021

VW Environmental Mitigation Trust
Wilmington Trust, NA, as Trustee
1100 North Market Street
Wilmington, DE 19890
Attn: Russell Crane, 5th Floor

Re: Revised D4 certificate
Action Title: #3 Alt Fuels Class 4-8 School Buses
Project ID: Alt Fuels 9A18AD

Dear Russell,

Please accept the attached revised Appendix D-4 certificate for the Alt Fuel Vehicle Replacement Program (Alt Fuels) that was submitted on 3/20/2020. The approved Appendix D-4 was for the replacement of eligible Class 4-8 School Buses as listed under mitigation action #2 in Appendix D-2. Awards and funding for the replacement of three Class 4-8 diesel school buses were originally requested in 2020. Since that time, the project for Roaring Fork School District was cancelled (totaling \$350,625), and there was a reduction in funding for Denver Public School district (reduced award by \$7577). The Alt Fuels program will reallocate a total of \$358,202 in cancelled project funding, and is requesting an additional \$2,417,840 in new funding for subsequent projects as outlined in the Attachment D of the revised Appendix D-4 certificate.

This revision to the Appendix D4 certificate, Action Title: #3 Alt Fuels Class 4-8 School Buses, is requesting a new total of \$3,892,810 to cover new project costs plus total administrative costs to be funded by the Trust. The total administrative costs remained under the capped 15% for the entire Appendix D-4 certificate funding request.

Under the initial approved Appendix D-4 certificate, the Colorado Department of Public Health and Environment (CDPHE) received a total of \$1,112,811. Therefore, the new Attachment A funding request will be for \$2,779,999, which is the difference between the initial Appendix D-4 certificate funding request and this revised Appendix D-4 certificate funding request. ($\$3,892,810 - \$1,112,811 = \$2,779,999$)

We have also updated our Appendix D-4 certificate to reflect the revised emissions benefits and project quotes. All changes to these projects will also be documented in our semiannual reports to the Trustee.

All changes are reflected in **blue** and **red** text in the body of the revised Appendix D-4 certificate attached.

Please feel free to contact me if you have any questions.

Regards,



Christine Hoefler
EPS II, Colorado Air Pollution Control Division

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary _____

Lead Agency Authorized to Act on Behalf of the Beneficiary _____
(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:	
Beneficiary's Project ID:	
Funding Request No.	<i>(sequential)</i>
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action	<input type="checkbox"/> Appendix D-2 item (specify): _____
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):	
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):	
Estimate of Anticipated NOx Reductions (5.2.3):	
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):	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2).	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).	

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).

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.]

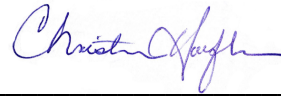
CERTIFICATIONS

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

1. This application is submitted on behalf of Beneficiary _____, 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: _____



Christine Hoefler
EPS II, Colorado Air Pollution Control Division

[LEAD AGENCY]

for

[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 #2, Class 4-8 school buses.
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 eleven diesel school buses with eleven electric school buses .
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 School Buses under the Alternative Fuel Vehicle Replacement Program are detailed in the BMP on pages 10-13.
These new electric school buses will help reduce NOx emissions and greenhouse gases associated with the pre-2009 diesel school buses that will be scrapped. Emission reductions from this D4 submission for the replacement of eleven diesel school buses with eleven electric school buses are estimated to be: NOx (1.07 tons/yr) and GHG (266 tons/yr) .
Estimate of Anticipated NOx Reductions (5.2.3):
The estimated emissions benefits from the replacement of eleven diesel school buses will reduce NOx emissions by 1.07 tons/yr . The estimates were prepared using the Greenhouse gases, Regulated Emissions, and Energy use in Transportation (GREET) model. Annual vehicle miles traveled (VMT) were sourced from estimates provided by the school districts receiving funding.
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 School & Shuttle Buses. 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 diesel Class 4-8 School Buses with new, cleaner fueled buses in communities that have historically borne a disproportionate share of air pollution. Specifically, these buses will operate in school districts located in Colorado counties designated as an ozone non-attainment or carbon monoxide maintenance area.

Attachment B

Project Management Plan

Project Schedule and Milestones – Alternative Fuel Vehicle Replacement Program

Milestone	Date
AFC request for application announcement	October 7, 2019; October 1, 2020
Solicitation for applications project round closes	November 8, 2019; December 31, 2020
Technical Advisory Committee application review	December 10, 2019; January 25, 2021
Project contractor announced awards funding to eligible entities	January 2020; February 2021
Awardees attend mandatory training webinar	CY 2020 – 2022 2 times per year
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 2021
Project partner submitted invoicing, emission reductions estimates to CDPHE for filing of D4 and reimbursement.	February 2020 – July 2021
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 2021
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 - 2021				
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust for buses and associated chargers	Cost-Share, if applicable (Entity #1) for tugs	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$4,079,103	\$3,400,995	\$678,108	\$
4. Administrative ¹	\$491,815	\$491,815	\$0	\$
Project Totals	\$4,570,918	\$3,892,810	\$678,108	\$
Percentage	100%	85%	15%	\$

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

PROJECTED TRUST ALLOCATIONS:

	2020-2021
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$3,892,810
2. Anticipated Annual Cost Share	\$678,108
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$4,570,918
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$4,949,556
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$3,892,810
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$8,842,366
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$63,790,362
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$54,947,996

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. 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).

Awards and funding for the replacement of 3 diesel school buses, with electric school buses, were originally requested in 2020. Since that time, the project for Roaring Fork School District was cancelled at the awardees

request, and the award for Denver Public Schools was reduced based upon updated pricing quotes from the district. The table below outlines current project statuses.

Fleet	Fuel	# of vehicles	Funding	Charging	Funding	Status
Denver Public Schools	Electric	1	\$309,185.00	1	\$22,000.00	Reduced award - awaiting delivery
Roaring Fork School Dist.	Electric	1	\$320,625.00	1	\$30,000.00	Cancelled
West Grand School Dist.	Electric	1	\$292,345.00	1	\$9,000.00	Active - Awaiting delivery
Vehicle & Charger Funding Combined					\$983,155.00	
Reduced Vehicle Funds					\$7,577.00	
Returned Vehicle Funds					\$350,625.00	

The Regional Air Quality Council (RAQC) will reallocate \$358,202 in reduced awards and cancelled project funding, in addition to \$2,417,840 in new funding requests, to award vehicles and stations as outlined in the table below.

Fleet	Fuel	# of vehicles	Funding	Charging	Funding	Status
Aspen Country Day School	Electric	1	\$276,588.00	1	\$9,000.00	Active - Awaiting delivery
Aurora Public Schools	Electric	7	\$2,083,018.00	3	\$90,000.00	Active - Awaiting delivery
Steamboat Springs School Dist.	Electric	1	\$312,771.00	1	\$4,665.00	Active - Awaiting delivery
Vehicle & Charger Funding Combined				\$2,776,042.00		
Returned & Reduced Vehicle Funds				\$358,202.00		
Additional Funding Requested				\$2,417,840.00		

The total equipment expenditure from 2019-2021 for two rounds of Alt Fuels Colorado totaled \$3,400,995.

The table below outlines new vehicle pricing information that the Regional Air Quality Council (RAQC) received from each awarded fleet for their preferred vehicle purchase. Fleets are required to abide by their internal procurement processes and receive competitive bids for vehicles (when available).

Fleet	Fuel	Make	Model	GVWR	Total Vehicle Cost
Denver Public Schools	Electric	Blue Bird	BBCV 3310	33,000	\$382,761.00
West Grand School Dist.	Electric	Blue Bird	T3R3	33,000	\$369,260.00
Aspen Country Day School	Electric	Thomas	Saf-T-Liner	33,000	\$368,784.00
Aurora Public Schools	Electric	Thomas	Saf-T-Liner	33,000	\$2,588,586.00
Steamboat Springs School Dist.	Electric	Blue Bird	BBCV 3310	33,000	\$369,712.00